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# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.

AUG - 6 2004

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**Tuesday, April 13, 2004 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

*MATT GONZALEZ, PRESIDENT*
*MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,*
*BEVAN DUFTY, TONY HALL, FIONA MA, SOPHIE MAXWELL,*
*JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL*
*Gloria L. Young, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Sandoval, Daly, McGoldrick | 2nd, 3rd, 4th Thursday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Hiles, Wynns | 2nd Monday (Bi-Monthly)<br>4:00 PM |
| **City Services Committee**<br>Supervisors Dufty, Ma, Hall | Thursday<br>9:30 AM |
| **Finance and Audits Committee**<br>Supervisors Daly, Peskin, Ammiano | Wednesday<br>1:00 PM |
| **Land Use Committee**<br>Supervisors McGoldrick, Peskin, Maxwell | Monday<br>1:00 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

3 1223 06447 3623

**Members Present:** Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

# ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:06 p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.*

*Supervisor Alioto-Pier was noted present at 2:08 p.m.*

*Quorum present.*

# APPROVAL OF MEETING MINUTES

**Supervisor Peskin, seconded by Supervisor Daly, moved to approve March 16, 2003 Meeting Minutes. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier

# CONSENT AGENDA

## Recommendations of the City Services Committee

**031903** **[Liquor License Transfer, 55 Natoma Street]**

Resolution determining that transfer of Type 48 on-sale general public premises liquor license and Type 47 on-sale general eating place license to Lawrence P. Lin dba Loop Studio, Inc. from 2299 Van Ness Avenue to 55 Natoma Street (District 6), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Resolution No.** 219-04
**ADOPTED**

**040018** **[Liquor License, 199 Eighth Street]**

Resolution determining that the issuance of a Type 20 off-sale beer and wine alcoholic beverage control license to Gilles W. Desaulniers for CA Harvest Healthy Foods Ranch Market Inc. located at 199 Eighth Street (District 6), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Resolution No.** 220-04
**ADOPTED**

**040263** **[Liquor License, 70 Zoe Street]**

Resolution determining that the transfer of a Type 9 (beer and wine importer), Type 17 (wholesaler) and Type 20 (off-sale beer and wine), alcoholic beverage control licenses, from 735 - 10th Avenue to 70 Zoe Street (District 6), to Enovations Creative Wine Concepts, LLC, will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

**Resolution No.** 226-04
**ADOPTED**

## Recommendations of the Finance and Audits Committee

**040002** **[Appropriate funding for the Courthouse Construction Fund to fund court facility renovations]**
**Mayor**

Ordinance appropriating $1,782,000 from the Courthouse Construction Fund to fund court facility renovations and a jurisdictional transfer of property under the control of the City and County of San Francisco for fiscal year 2003-04.

(Fiscal impact.)

**Ordinance No.** 64-04
**FINALLY PASSED**

**040094** **[Appropriate funding for program management services for the S.F. Public Utilities Commission Capital Improvement Program, Program PEIR, and the intertie between EBMUD and San Francisco's water supply system]**
**Mayor**

Ordinance appropriating $2,747,247 of personnel-operating fund balance from the Water Department and $12,985,734 of Proposition A Bond funds, for a total of $15,732,981 for: $2,747,247 to fund office space, staff and services of other departments for continued implementation of the Capital Improvement Program (CIP) of which $595,627 is retroactive, $8,400,000 for the intertie between the East Bay Municipal Utility District (EBMUD) and San Francisco's water supply system, and $4,585,734 to fund the Programmatic Environmental Impact Report (PEIR), of which $400,000 is retroactive for necessary staff in SFPUC to work on the program planning efforts to facilitate implementation of the CIP for fiscal year 2003-04.

(Fiscal impact.)

**Ordinance No.** 65-04
**FINALLY PASSED**

**040095** **[Public Employment]**
**Mayor**

Ordinance amending Ordinance No. 195-03 (Annual Salary Ordinance 2003/04) reflecting the creation of 4 positions (1.00 FTE) at the Water Department, 1 position (0.25 FTE) at the Human Rights Commission, and 1 position (0.25FTE) at the Human Resources Department.

(Fiscal impact.)

**Ordinance No.** 66-04
**FINALLY PASSED**

**040219** **[Administrative Code Revision: Health Service System]**
**Supervisor Daly**

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates. (Human Resources Department)

(Fiscal impact.)

**Ordinance No.** 67-04
**FINALLY PASSED**

**040321** **[Settlement of Lawsuit - United Air Lines, Inc., et al.]**
**Supervisor Daly**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission against United Air Lines, Inc., for the payment to the Airport of environmental clean-up costs and agreement of a percentage allocation for future clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal.); and for the settlement of an unlitigated claim between the Airport, on the one hand, and United Air Lines, Inc. and United Cogen, Inc., on the other hand regarding an early assumption by United of its Airport leases and other agreements with regard to re UAL Corporation, et al., Debtors, Case No. 02-4819, United States Bankruptcy Court for the Northern District of Illinois, Eastern Division.

**Ordinance No.** 63-04
**FINALLY PASSED**

## Recommendations of the Land Use Committee

**040230** **[Conforming with official street name change - Cesar Chavez Street]**
Ordinance amending Sections 174.04 and 174.13 of the San Francisco Traffic Code, pertaining to speed limits on Cesar Chavez Street. (Parking and Traffic Department)

**Ordinance No.** 68-04
**FINALLY PASSED**

**040306** **[Grant of Regional Funds]**
Resolution authorizing the Municipal Transportation Agency to accept and expend $191,205 of State Traffic Systems Management funds for Municipal Railway Transit Signal System Preemption Projects, excluding Administrative Overhead costs. (Municipal Transportation Agency)

**Resolution No.** 227-04
**ADOPTED**

## Recommendations of the Rules Committee

**040261** **[Settlement of Lawsuit - Laura Bianchi]**
Ordinance authorizing settlement of the lawsuit filed by Laura Bianchi against the City and County of San Francisco for $70,000; the lawsuit was filed on August 14, 2003 in San Francisco Superior Court, Case No. 03-423459; entitled Laura Bianchi v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**040259** **[Settlement of Claim - Weston Ngo]**

Resolution approving the settlement of the unlitigated claim filed on October 8, 2003 by Fire Insurance Exchange as subrogees for Weston Ngo against the City and County of San Francisco in the amount of $50,000.00. (City Attorney)

**Resolution No.** 223-04
**ADOPTED**

**040260** **[Settlement of Claim - Suzanna Hernandez]**

Resolution approving the settlement of the unlitigated claim filed on October 8, 2003 by Fire Insurance Exchange as subrogees for Suzanna Hernandez against the City and County of San Francisco in the amount of $50,000.00. (City Attorney)

**Resolution No.** 224-04
**ADOPTED**

**040397** **[Appointment - Sunshine Ordinance Task Force]**

Resolution appointing Nicole Dogwill, Richard Knee, Sue Cauthen, Heather Sterner, Doug Comstock, David Pilpel, Garrett Jenkins, Edgar Parker Jr, and Alexandra Nickliss terms ending April 27, 2006 to the Sunshine Ordinance Task Force.

**Resolution No.** 216-04
**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

# REGULAR AGENDA

# UNFINISHED BUSINESS

## From the Clerk

040390 **[Findings for disapproval of decision of the mitigated negative declaration for 8 Washington Street]**
Motion setting forth findings to disapprove the decision by the Planning Commission to issue a mitigated negative declaration for the proposed project located at 8 Washington Street. (Clerk of the Board)

(Companion measure to Files 040310, 040331, 040332, 040333.)

**Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**Motion No.** M04-45
**APPROVED AS AMENDED by the following vote:**
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Hall

# NEW BUSINESS

## Recommendations of the Budget Committee

## Appointment of President Pro Tempore

*At the request of the President, Supervisor Ammiano assumed the Chair so the President could participate in the debate from the floor concerning the following item.*

*The President resumed the Chair shortly thereafter.*

**040373** **[Public Defender Requisition Request]**
**Supervisors Gonzalez, Daly**

Resolution granting the Office of the Public Defender's Requisition #PE4018/1074384.

*The Board reviewed and discussed issues relating to this item with Ted Lakey, Deputy City Attorney, Sean Elsbernd and Erin McGrath, representatives of the Mayor's Office and Jeff Adachi, Public Defender.*

*Supervisor Daly requested to be added as a co-sponsor.*

**Resolution No.** 233-04

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Alioto-Pier

**040438** **[Public Defender Requisition Request]**
**Supervisors Gonzalez, Daly**

Motion granting the Office of the Public Defender's Requisition #PE4018/1074384.

*Continued to May 11, 2004*
*Supervisor Daly requested to be added as a co-sponsor.*

**President Gonzalez, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## Recommendations of the City Services Committee

**030409** **[Grants Federal Funds - Municipal Railway]**
**Supervisors Dufty, Peskin**

Resolution authorizing the Municipal Transportation Agency to accept and expend $3,960,116 of federal earmarked capital assistance for MUNI's Particulate Matter Traps Procurement and Natural Gas Facility Rehabilitation Project. (Municipal Transportation Agency)

*Supervisor Peskin requested to be added as a co-sponsor.*

**Resolution No.** 218-04

**ADOPTED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040022** **[Liquor License Transfer, 561 Geary Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 622 Polk Street to 561 Geary Street (District 6), to Brian T. Sheehy for Electrocelt Promotions Inc. dba "Swig", will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Resolution No.** 221-04

**ADOPTED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## Recommendations of the Finance and Audits Committee

**021505** **[Ordinance adding Section 21.25-3 to the Administrative Code]**
**Supervisors Ammiano, Daly**

Ordinance adding Section 21.25-3 to the Administrative Code to require that workers engaged in rigging, sound, projection, theatrical lighting, videos, computers, draping, carpentry, special effects, and motion picture services on property owned or leased by the City and County of San Francisco be paid the prevailing rate of wage and that such workers will have job protection with the successor contractor for a transition period after a lease, management agreement or other contractual arrangement is terminated.

**Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Ma

Ordinance adding Section 21.25-3 to the San Francisco Administrative Code to require that workers engaged in rigging, sound, projection, theatrical lighting, videos, computers, draping, carpentry, special effects, and motion picture services on property owned by the City and County of San Francisco be paid the prevailing rate of wage and that such workers will have job protection with the successor contractor for a transition period after a contract, lease, franchise, permit or other contractual arrangement is terminated.

*Continued to April 20, 2004*

**Supervisor Dufty, seconded by Supervisor Hall, moved that this Ordinance be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040099** **[Dept. of Administrative Services to provide services to public entities]**
**Supervisors Dufty, Peskin**

Ordinance authorizing the Department of Administrative Services to enter into written agreements with other public entities to provide the public entities with publishing, copying, printing and/or mail services, and ratifying and approving any actions heretofore taken by the Department of Administrative Services to provide such services to public entities.

*Supervisor Peskin requested to be added as a co-sponsor.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040100** **[Process for Sale of Real Property]**
**Supervisors Peskin, Hall**

Ordinance authorizing the Public Utilities Commission to solicit proposals and bids for the sale of certain real properties with development potential that are not needed for utility purposes, subject to the review and approval by the Board of Supervisors, by resolution, of any final sale of such properties.

*Continued to April 20, 2004*
*Supervisor Hall requested to be added as a co-sponsor.*

**Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040262** **[Mayor's Summer Food Service Program]**
**Supervisor Daly**

Resolution authorizing the Department of Children, Youth, and Their Families to accept and expend a grant in the amount of $599,215 from the United States Department of Agriculture for the 2004 Mayor's Summer Food Service Program. (Mayor)

*Supervisor Daly requested to be added as sponsor.*

**Resolution No.** 225-04

**ADOPTED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## From the Finance and Audits Committee Without Recommendation

**040272** **[Public Employment]**
**Mayor**

Ordinance amending Ordinance No. 195-03 (Annual Salary Ordinance 2003/04) reflecting the deletion of 187.4 positions in the following departments: Administrative Services, Adult Probation, Adult and Aging Services, Airport, Assessor, Convention Facilities, Emergency Communications, Environment, Human Resources, Juvenile Probation, Municipal Transportation Agency, Police, Public Health, Recreation and Park, Sheriff and Telecommunication and Information Services. (Municipal Transportation Agency)

*Amended on page 32, line 13, by deleting "3285 Randall Museum Director"*

**Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040037** **[Lease of Real Property - 1145 Market Street]**

Resolution authorizing the lease of 30,790 sq. ft. of office space in the building located at 1145 Market Street, San Francisco for the City and County of San Francisco Public Utilities Commission. (Real Estate Department)

**Resolution No.** 222-04

**ADOPTED by the following vote:**

Ayes: 8 - Alioto-Pier, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Gonzalez

## Recommendations of the Land Use Committee

**040147** **[General Plan Amendment in connection with Downtown Housing Demonstration Special Use District]**
**Supervisor Peskin**

Ordinance amending the San Francisco General Plan to change the height and bulk classification in connection with approvals for the proposed Downtown Housing Demonstration Special Use District encompassing the property zoned Downtown Office District (C-3-O) at the corner of Market Street, Kearny Street and Geary Avenue (690 Market Street, Assessor's Block 0311, Lot 006) from 250-S to 285-S; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the eight Priority Policies of Planning Code Section 101.1.

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040184** **[Zoning Map Amendment in connection with Downtown Housing Demonstration Special Use District]**
**Supervisor Peskin**

Ordinance amending Zoning Map Section 1H and 1SU of the City and County of San Francisco for the property zoned Downtown Office District (C-3-O) at the corner of Market Street, Kearny Street and Geary Avenue (690 Market Street, Assessor's Block 0311, Lot 006) from 250-S to 285-S; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**031791** **[Special Use District to eliminate certain zoning requirements for residential uses in the Downtown consistent with a proposed ordinance to facilitate housing in the Downtown]**
**Supervisors Peskin, Daly**

Ordinance amending the San Francisco Planning Code by adding Section 249.26 to create the Downtown Housing Demonstration Special Use District encompassing the property zoned Downtown Office District (C-3-O) at the corner of Market Street, Kearny Street and Geary Avenue (690 Market Street, Assessor's Block 0311, Lot 006) and making findings. The proposed Special Use District would eliminate floor area restrictions and maximum dwelling unit density limits and would allow exceptions to open space requirements and dwelling unit exposure requirements for new residential uses be granted through the process outlined in Planning Code Section 309. The proposed Special Use District would also increase the maximum height and bulk allowed in the district from 250-S to 285-S, and would require that residential projects be subject to the 12 percent (on-site) and 17 percent (off-site) Inclusionary Affordable Housing Program Requirements found in Section 315.3(a)(2).

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040366** **[Conditionally Designate 690 Market, the Chronicle Building, as a Landmark Under Planning Code Article 10]**
**Supervisors Peskin, Hall**

Ordinance conditionally designating 690 Market, the Chronicle Building, as Landmark No. 243 pursuant to Article 10, Sections 1004 And 1004.4 of the Planning Code.

*Supervisor Hall requested to be added as a co-sponsor.*

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## Recommendation of the Rules Committee

040367 **[Board Off-site Meetings]**
**Supervisor Ammiano**

Motion ordering the City and School District Select Committee meetings of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on Monday, May 3; Monday, July 12; Monday, September 13; and Monday, November 8, 2004 at 4:00 p.m. and directing the Clerk of the Board to prepare the proper notices and postings.

*Amended on page 1, lines 5, & 20 by replacing "Monday, May 3, 2004" with "Tuesday, May 4, 2004."*

**AMENDED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Motion ordering the City and School District Select Committee meetings of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on Tuesday, May 4; Monday, July 12; Monday, September 13; and Monday, November 8, 2004 at 4:00 p.m. and directing the Clerk of the Board to prepare the proper notices and postings.

**Motion No.** M04-44

**APPROVED AS AMENDED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## SPECIAL ORDER 3:30 P.M - Recognition of Commendations

## SPECIAL ORDER 4:00 P.M.

040311 **[Public Hearing - Appeal of Categorical Exemption - 450 Frederick Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated November 10, 2003, Case No. 2003.1108E, approving a categorical exemption under the California Environmental Quality Act for the proposed demolition of a single-family residence and construction of a three-unit residence located at 450 Frederick Street, on Assessor's Block 1262, Lot 12. (Appellants: Lyall F. Harris, Francesco Ronchetti, Leslie Flores, Mark Ulriksen, Marjorie Beggs.)

(Appeal filed March 8, 2004; companion measure to Files 040312, 040313, 040314; District 5.)

*Lyall F. Harris, appellant*
*Bill Costero, Architect for the appellant*
*Marjorie Beggs, appellant*
*Andrew Cypiot; support of appellant*
*Ann Moreno; support of appellant*
*Male Speaker; support of appellant*
*Shawshona D.; support of appellant*
*Rich Naker; support of appellant*
*Male Speaker; support of appellant*
*Linda Dunn; support of appellant*
*Judy; support of appellant*
*Jim Siegel; support of appellant*
*Joe Butler; Architect*

*Paul Maltzer, Environmental Officer, Planning Department recommended that the Categorical Exemption be rescinded.*

*Jared Eigerman, Reuben & Junius, Attorney for the project sponsor*
*William Abend, Architect; support of project sponsor*
*Jim Kreuger; support of project sponsor*
*Michael Paransky; support of project sponsor*
*Alexander Gutkin; project sponsor*
*Female Speaker; support of project sponsor*
*Edward Dabrowski; support of project sponsor*
*Anna Postel; support of project sponsor*
*Nick Narajavick; support of project sponsor*
*Male Speaker; support of project sponsor*
*Aaron Dewell; support of project sponsor*
*Dave Gutkin, support of project sponsor*
*Lena Mura; support of project sponsor*
*Andros A.; support of project sponsor*
*Mr. Lopez; support of project sponsor*
*Ramon B.; support of project sponsor*
*Tatiana Mehakek; support of project sponsor*
*Lena Emmery; support of project sponsor*

*Rebuttal:*
*Bill Costero, Architect for appellant*
*Lyall F. Harris; appellant*

*The President inquired if any other member of the public wished to comment.*

*Public Hearing Closed.*
**HEARD AT PUBLIC HEARING.**

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)**

*Supervisor Ammiano was noted absent at 5:30 p.m.*

040312 **[Affirming the categorical exemption issued for 450 Frederick Street]**

Motion affirming the determination by the Planning Department that the 450 Frederick Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

**Supervisor Peskin, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Ammiano

040313 **[Disapproving the categorical exemption issued for 450 Frederick Street]**

Motion disapproving the determination by the Planning Department that the 450 Frederick Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

**Motion No.** M04-42

**Supervisor Peskin, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Ammiano

040314 **[Preparation of findings related to the categorical exemption issued for 450 Frederick Street.]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 450 Frederick Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

**Motion No.** M04-43

**Supervisor Peskin, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Ammiano

# ROLL CALL FOR INTRODUCTIONS

# PUBLIC COMMENT

*Abdullah Megaheed; war and general issues*
*Betty Kruk; support of the SF Rescue Mission*
*Male Speaker; opposed to tenderloin strip clubs*
*Michelle Wong, daughter of Mr. Wong on a hunger strike; opposed to tenderloin strip clubs*
*Mildred Thomas, SF State University Fair Project; extended prayers to family of Officer Espinosa and families of those involved in the shooting incident*
*Male Speaker; request to change Board meetings to 4pm*
*Marcus Herman; issues regarding election process regarding green Party candidate*
*Anthony Favor; issues regarding election process regarding Green Party candidate*
*Male Speaker; issues regarding election process regarding Green Party candidate*
*Denise; support of moving the elephants from the Zoo to a sanctuary*
*Dr. Elliot Katz, Veterinarian; support of moving the elephants from the Zoo to a sanctuary*
*Elizabeth Wade; Recreation and Park capital projects program*
*Jeff Condit; support of Rossi Playground capital project*
*Ann Shepard, Member, Rossi Playground committee member; support of Rossi Playground capital project*
*Susan Mitchell; support of Rossi Playground capital project*
*Jeff Hagen; support of Rossi Playground capital project*
*Male Speaker, on behalf of Pastor Walter Wong; opposed to tenderloin strip clubs*
*Teri Baum; Green Party Candidate for District 8, issues regarding election process regarding the counting of her votes*
*Richard Winger; issues regarding election process regarding Green Party candidate*
*Phillip Sanchez Perez; issues regarding election process regarding Green Party candidate*
*Scott Stewart, Noe Valley resident; issues regarding election process regarding Green Party candidate*
*Kevin; issues regarding election process regarding Green Party candidate*
*Kim Nice; issues regarding election process regarding Green Party candidate*
*Mr. Chow, Local 250; support of Item 44*
*George Bustos; exchange of property at Chester Avenue*
*Ted Milken; issues regarding election process regarding Green Party candidate*
*Male Speaker; issues regarding election process regarding Green Party candidate*

# APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

040414 **[Legislative Analyst Request - Selection of consultants for projects under environmental review by the Planning Department]**
**Supervisors Maxwell, Peskin**

Motion requesting the Office of the Legislative Analyst to provide research assistance to the Board of Supervisors regarding the selection of consultants for projects under environmental review by the Planning Department. Delineate the current selection process by the City and County of San Francisco and provide an analysis of alternative consultant selection processes utilized by other municipalities. Please include in this analysis the role of the department, the project sponsor, and interested members of the community.

*Supervisor Peskin requested to be added as a co-sponsor.*

**APPROVED by the following vote:**
Ayes: 9 - Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Ammiano, Daly

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

040418 **[Urging City Departments to investigate the viability of Jim Reid's Shelter-One house for use as a model homeless shelter]**
**Supervisors Gonzalez, Dufty**

Resolution urging the Mayor's Office of Homelessness, the Department of Building Inspection, and the Planning Department to investigate the viability of using Jim Reid's Shelter-One (the smallest house in San Francisco) as a potential homeless shelter in a test pilot project.

**Resolution No.** 234-04
**ADOPTED**

040419 **[Public Safety Telecommunicators Week]**
**Supervisors Ma, Dufty, Hall**

Resolution recognizing the hard work and dedication of our public safety professionals and declaring April 11, 2004 through April 17, 2004 as "Public Safety Telecommunicators Week" in the City and County of San Francisco.

*Supervisor Hall requested to be added as a co-sponsor.*

**Resolution No.** 228-04
**ADOPTED**

040420 **[Supporting statewide ballot initiative]**
**Supervisors Maxwell, Dufty, Daly**

Resolution supporting a statewide ballot initiative to require voter approval before state government may take local tax funds.

*Supervisor Daly requested to be added as a co-sponsor.*

**Resolution No.** 235-04
**ADOPTED**

**040422** **[In Home Supportive Services (IHSS)]**
**Supervisors Sandoval, Dufty, Peskin, Daly, Alioto-Pier, Ma**

Resolution supporting In Home Supportive Services (IHSS) providers, seniors and people with disabilities and opposing proposed state funding reductions.

*Supervisors Peskin, Daly, Alioto-Pier and Ma requested to be added as co-sponsors.*

**Resolution No.** 229-04
**ADOPTED**

**040423** **[Authorizing DHS to request an ABAWD Waiver from the State Department of Social Services]**
**Supervisor Sandoval**

Resolution authorizing the Department of Human Services to request an ABAWD Waiver from the State Department of Social Services.

**Resolution No.** 230-04
**ADOPTED**

**040400** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

**Motion No.** M04-41
**APPROVED**

**040424** **[Office of the Legislative Analyst; Budget Consideration]**
**Supervisor Sandoval**

Motion directing the Office of the Legislative Analyst to provide budget-related staff support to the Budget Committee and to provide a list of potential cost-saving measures resulting from this and other work to the Budget Committee for their consideration.

**Motion No.** M04-46
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 9 - Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Ammiano, Daly

## Severed From the Without Reference Committee Agenda

*Supervisor Dufty requested that this matter be severed so that it could be considered separately.*

**040417** **[Declaration of Election Results]**
**Supervisor Dufty**

Resolution declaring the results of the March 2, 2004 Consolidated Primary Election.

*John Arntz, Director, Department of Elections reviewed with the Board issues relating to this item.*

**Resolution No.** 217-04

**ADOPTED by the following vote:**

Ayes: 8 - Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin
Absent: 3 - Ammiano, Daly, Sandoval

*Supervisor Hall requested that this matter be severed so that it could be considered separately.*

**040421** **[Supporting AB 2146]**
**Supervisor Peskin**

Resolution urging the California State Legislature to support AB 2146, legislation to extend the season for dungeness crab fishing in the San Francisco Bay, and limiting the number of traps allowed on each vessel.

*Supervisor Hall requested that this matter be referred to Committee.*

**REFERRED to the City Services Committee.**

# IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Peskin, seconded by Supervisor Alioto-Pier, moved ADOPTION of the Commendatory Act Finding. The motion carried by the following vote:**

Ayes: 8 - Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin
Absent: 3 - Ammiano, Daly, Sandoval

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Peskin, seconded by Supervisor Alioto-Pier, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:**

Ayes: 8 - Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin
Absent: 3 - Ammiano, Daly, Sandoval

040458 **[Honoring Artist Jose Ramon Lerma]**
**Supervisor Gonzalez**

Resolution honoring the artistic contribution of Jose Ramon Lerma for his outstanding contribution to Bay Area abstract expressionism and his continuing work as a pioneer in the arts.

**Resolution No.** 232-04

**ADOPTED by the following vote:**

Ayes: 8 - Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin
Absent: 3 - Ammiano, Daly, Sandoval

040459 **[Commending Rudolf Amenga-Etego]**
**Supervisor Daly**

Resolution commending Rudolf Amenga-Etego for his growing international recognition as a pioneer in environmentally sustainable water policy and universal access to safe, affordable water.

**Resolution No.** 231-04

**ADOPTED by the following vote:**

Ayes: 8 - Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin
Absent: 3 - Ammiano, Daly, Sandoval

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

040092 **[Evaluation of food preparation and service establishments by Department of Public Health, issuance of Symbol, and posting of inspection reports at food preparation and service establishments]**
**Supervisor Hall**

Ordinance amending the San Francisco Health Code by adding a new section 456 et seq. to establish letter grading system by Department of Public Health for inspection of food preparation and service establishments, requiring posting of letter grade and inspection score cards by food preparation and service establishments, and providing penalties for lack of compliance.

1/27/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 2/26/2004.

2/2/04, REFERRED TO DEPARTMENT. Referred to Small Business Commission for review and comments. 4/8/04: Notified Small Business Commission and Youth Commission of April 15, 2004 hearing date.

4/13/04, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing same title.

4/13/04, ASSIGNED to City Services Committee.

040451 **[City Hiring Freeze]**
**Supervisor Sandoval**

Ordinance prohibiting the City from filling new or vacant positions except where the Mayor determines that certain exceptions apply, and setting an expiration date.

4/13/04, RECEIVED AND ASSIGNED to Budget Committee.

## Resolutions

**040440** **[Airport Concession Lease]**
**Mayor**

Resolution approving the Terminal 3 Concourse Newsstand Lease between The Paradies Shops, Inc., and the City and County of San Francisco, acting by and through its Airport Commission.
4/13/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040441** **[Airport Concession Lease]**
**Mayor**

Resolution approving the International Terminal Building Newsstands Lease between The Paradies Shops, Inc., and the City and County of San Francisco, acting by and through its Airport Commission.
4/13/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040444** **[Older Americans Month]**
**Supervisors Hall, Dufty, Ma**

Resolution recognizing the month of May 2004 as Older Americans Month in San Francisco and encouraging all San Franciscans to promote and participate in activities and services that contribute to the health, welfare, and independence of older citizens.
4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040445** **[Confirming the appointment of Dr. Anita Grier to the Municipal Transportation Agency Board of Directors]**
**Mayor**

Resolution confirming the appointment of Dr. Anita Grier to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2005.
4/13/04, RECEIVED AND ASSIGNED to Rules Committee.

**040446** **[Confirming the appointment of Peter Mezey to the Municipal Transportation Agency Board of Directors]**
**Mayor**

Resolution confirming the appointment of Peter Mezey to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2008.
4/13/04, RECEIVED AND ASSIGNED to Rules Committee.

**040447** **[Accept-Expend Federal Funding - HOME Program]**
**Mayor**

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the U.S. Department of Housing and Urban Development (HUD) for a total amount of $8,804,425 which include indirect costs of $10,000 for the HOME Program authorized under TITLE II of the National Affordable Housing Act of 1990, Public Law Number 101-625, and approving the HOME Program description as described in the 2004 Action Plan for San Francisco's Consolidated Plan.

(Fiscal impact.)
4/13/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040448** **[Accept-Expend Federal Funding - Community Development Block Grant]**
**Mayor**

Resolution approving the 2004 Community Development Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend the City's 2004 Community Development Block Grant (CDBG) entitlement from the U.S. Department of Housing and Urban Development, and Program Income of $31,374,675 which include indirect costs of $150,000, and approving expenditure schedules for recipient departments and agencies and for indirect costs.
4/13/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040449** **[Federal Funding – Emergency Shelter Grants Program]**
**Supervisor Dufty**

Resolution approving the 2004 Emergency Shelter Grants Program and Expenditure Schedule; and authorizing the Mayor on behalf of the City and County of San Francisco to accept and expend a $924,509 entitlement grant under the Emergency Shelter Grants Program from the U.S. Department of Housing and Urban Development.

(Fiscal impact.)
4/13/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040452** **[Week of the Young Child]**
**Supervisors Ma, Dufty, Alioto-Pier**

Resolution recognizing the importance of children's earliest years and the need to support early child-care programs and services, and declaring April 17, 2004 through April 24, 2004 as "Week of the Young Child" in the City and County of San Francisco.
4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040453** **[Safety Seat Checkup Week]**
**Supervisors Ma, Dufty, Alioto-Pier, Hall**

Resolution declaring April 18, 2004 through April 24, 2004 as "Safety Seat Checkup Week" in the City and County of San Francisco.
4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040454** **[General Obligation Refunding Bonds, Series 2004-R1]**
**Mayor**

Resolution authorizing the issuance from time to time in one or more series of not to exceed $800,000,000 Aggregate Principal Amount of City and County of San Francisco General Obligation Refunding Bonds; approving the form and authorizing the execution of General Obligation Refunding Bonds; approving the form and authorizing the execution of Declarations of Trust; authorizing the appointment of depositories and other agents; approving the form and authorizing the execution and delivery of Escrow Agreements; approving the tax levy for repayment of the General Obligation Refunding Bonds; approving procedures for the sale and award of General Obligation Refunding Bonds; approving the form of Official Notices of Sale; authorizing the publication of Notices of Intention to Sell; approving the form of and authorizing the execution and delivery of Bond Purchase Agreements; approving the form and authorizing the execution and delivery of Continuing Disclosure Certificates; authorizing selection of underwriters; approving the form of and authorizing the distribution of Preliminary Official Statements and authorizing execution and delivery of Official Statements; approving the appointment of verification agents; approving the retention of other agents and payment of compensation to such agents; authorizing payment of costs of issuance; approving modifications to documents; ratifying actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said General Obligation Refunding Bonds and the refunding of certain outstanding General Obligation Bonds.

4/13/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040455** **[Refunding Redevelopment Agency of the City and County of San Francisco Lease Revenue Bonds, Series 1994, (George R. Moscone Convention Center)]**
**Mayor**

Resolution approving the issuance and sale of lease revenue refunding bonds to refinance lease revenue bonds previously issued and sold by the Redevelopment Agency of the City and County of San Francisco (the "Agency"); authorizing the release of reserved monies; approving the form of a project lease between the Agency and the City and County of San Francisco (including certain indemnities contained therein); approving the form of the official statement in preliminary and final form; approving the form of the continuing disclosure certificate; approving the form of irrevocable refunding instructions; and, ratifying previous actions taken in connection therewith.

4/13/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040456** **[Commending Hannah Paarlberg]**
**Supervisor Sandoval**

Resolution commending Hannah Paarlberg of Balboa High School on her accomplishments in the sport of wrestling.

4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040457** **[Commending House Minority Leader Nancy Pelosi]**
**Supervisors Sandoval, Dufty, Ma**

Resolution commending House Minority Leader Nancy Pelosi for receiving the 2004 "Distinguished Community Health Champion" award from the National Association of Community Health Centers.

4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040460** **[Urging the Legislature to amend Public Utilities Code to allow local regulation of charter party carriers]**
**Supervisors Daly, Maxwell**

Resolution urging the California State Legislature to support an amendment to the California Public Utilities Code that would allow a city and/or county to impose a business license fee, and adopt reasonable rules and regulations pertaining to charter party carriers operating within city and/or county jurisdictions.
4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040461** **[Commending Michael C. Healy]**
**Supervisor Daly**

Resolution commending Michael C. Healy on his service to the Bay Area Rapid Transit District (BART) and to public transportation.
4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040471** **[Supporting AB 2863]**
**Supervisors Maxwell, Dufty, Ma**

Resolution supporting AB 2863 and urging the California legislature to pass AB 2863 allowing for the improvement of indoor air quality in our schools.
4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040472** **[Supporting AB 2367, AB 2132]**
**Supervisors Maxwell, Dufty, Ma**

Resolution supporting AB 2367 (Chan) and AB 2132 (Reyes/Chan) and urging the California legislature to pass the two legislation allowing children in schools with Asthma easier access to their medication.
4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040473** **[Annual Bayview Juneteenth Festival in 2002]**
**Supervisors Maxwell, Dufty**

Resolution urging DPT, DPW, Police, and Fire Department to waive fees incurred by Black Diamond Dynasty for the installation of the 1st Annual Bayview Juneteenth Festival in 2002.
4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040474** **[Proposed Changes to Section 8 Housing Policy]**
**Supervisors Maxwell, Peskin, Daly**

Resolution urging United States Senators Dianne Feinstein and Barbara Boxer and United States Congresswoman Nancy Pelosi to oppose changes to Federal Section 8 Housing Policy.
4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040478** **[Strictly Bluegrass]**
**Supervisors Peskin, Ammiano, Hall**

Resolution urging that Warren Hellman bring Strictly Bluegrass back to Golden Gate Park.
4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040479** **[Bhopal Remembrance Day]**
**Supervisor Peskin**

Resolution Declaring December 3, 2004 as Bhopal Remembrance Day.
4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040480** **[Less Costly Pharmaceuticals]**
**Supervisors Peskin, Sandoval, Daly**

Resolution authorizing the Department of Public Health to participate in the State Department of General Services pharmaceutical purchasing program to explore the cost benefits of participation, and further approving its participation in State Department of General Services pharmaceutical purchasing contracts that provide favorable cost benefits for the Department.
4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040481** **[Public Health Comprehensive Child Crisis Services]**
**Supervisors Maxwell, Dufty**

Resolution authorizing the San Francisco Public Health, Community Behavioral Health, Comprehensive Child Crisis Services (SFDPH, CBH, CCCS) (Provider) to enter retroactively into an agreement which includes a mutual indemnification clause and a binding arbitration clause, with Managed Health Network, Inc. (MHN) (Primary Contractor) to provide comprehensive child crisis services at a capitated rate to MHN enrollees for a total estimated revenues of $100,000 for the 16 month period of March 1, 2004 through June 30, 2005.
4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040482** **[Accept-Expend State Grant]**
**Supervisors Maxwell, Dufty, Hall**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend funds in the amount of $2,218,010 from the State Board of Corrections, from funds made available under Senate Bill 736 – known as the Juvenile Justice Crime Prevention Act (JJCPA), for programs and approaches that have been demonstrated to be effective in reducing delinquency.
4/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**040462** **[Under-reporting or non reporting of taxes by parking facilities throughout CCSF]**
**Supervisor Sandoval**

Hearing to investigate under-reporting or non reporting of taxes by parking facilities throughout the City and County of San Francisco.
4/13/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040463** **[Mayor's Budget Cut Proposals for 2004-2005.]**
**Supervisor Sandoval**

Hearing to consider proposed criteria that can be used to analyze major budget cut proposals in the Mayor's budget for 2004-2005.
4/13/04, RECEIVED AND ASSIGNED to Budget Committee.

**040464** **[Citywide Bike Plan]**
**Supervisor Gonzalez**

Hearing for the Department of Parking and Traffic, the Transportation Authority, the Planning Department and others to report on the progress and timeline of the Citywide Bike Plan Update and the completion of the Citywide Bike Network.
4/13/04, RECEIVED AND ASSIGNED to Land Use Committee. Sponsor requests this item be calendared at the May 17, 2004 meeting.

**040465** **[Report on processing of write-in votes for the March 2nd election]**
**Supervisor Gonzalez**

Hearing to receive report from the Director of the Department of Elections on the processing of write-in votes for the March 2nd election.
4/13/04, RECEIVED AND ASSIGNED to Rules Committee.

**040466** **[Randall Museum]**
**Supervisors Daly, Dufty**

Hearing to consider the finances of the Randall Museum, proposed operational changes to the Museum, and the proposed license for use prepared in the Recreation and Park Department. Specifically, to understand the rationale of the Recreation and Park Department in making these changes.
4/13/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040467** **[Ryan White CARE Act Funding]**
**Supervisors Daly, Dufty**

Hearing to review a proposal by Health Director Mitch Katz to maintain CARE funded services, and to prepare in committee and report to the Full Board of Supervisors ordinances or resolutions as may be necessary to maintain these services.
4/13/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the April 21, 2004 meeting.

040468 **[Taxi Drivers]**
**Supervisor Ammiano**

Hearing to consider the Controller's findings pursuant to the Taxi Driver Survey related to benefits for taxi drivers; potential health plans for taxi drivers; mechanisms to apportion the costs of such plans; and related issues.
4/13/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

040469 **[Overtime Practices]**
**Supervisor Sandoval**

Hearing to consider citywide policies regarding overtime pay and efforts to limit it.
4/13/04, RECEIVED AND ASSIGNED to Budget Committee.

040470 **[Juvenile Justice System]**
**Supervisors Maxwell, Dufty, Alioto-Pier, Ma**

Hearing to discuss the juvenile justice system with regard to the arrest and incarceration rates of adolescent girls; to consider the criminal justice programs serving this population, and to consider why the arrest and incarceration rates for young African American women are the highest of any California jurisdiction.
4/13/04, RECEIVED AND ASSIGNED to City Services Committee.

## PROPOSED ORDINANCES

040305 **[Parking Regulations, east side of Baker Street, from 11 feet to 64 feet north of Green Street (53-foot zone)]**
Ordinance amending San Francisco Traffic Code Section 32.6.30 to restrict parking on the east side of Baker Street, from 11 feet to 64 feet north of Green Street (53-foot zone). (Parking and Traffic Department)
3/26/04, RECEIVED AND ASSIGNED to Land Use Committee.

040315 **[Designating 2362 Market Street, the Jose Theater / Names Project building, as a Landmark Under Planning Code Article 10]**
**Supervisors Dufty, Maxwell, Peskin**

Ordinance designating 2362 Market Street, the Jose Theater / Names Project Building, as Landmark No. 241 Pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)
3/25/04, RECEIVED AND ASSIGNED to Land Use Committee.

040389 **[Unrepresented Employees]**
Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2004. (Mayor)
4/7/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

# PROPOSED RESOLUTIONS

**040346** **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Ivy at Buchanan Streets, stopping westbound Ivy Street;
Estero Avenue and Lunado Way, stopping Lunado Way at Estero Avenue, making this intersection an All-Way STOP;
Campbell Avenue at Delta Street, making this uncontrolled intersection an All-Way STOP;
Delta Street at Campbell Avenue, making this uncontrolled intersection an All-Way STOP;
Chestnut and Powell Streets, stopping Powell Street, making this intersection an All-Way STOP;
Faxon Avenue and Kenwood Way, stopping Faxon Avenue, making this intersection an All-Way STOP;
10th Avenue at Ortega Street, stopping Ortega Street, making this intersection an All-Way STOP; and
Isola Way and Rockdale Drive, stopping Isola Way traffic at Rockdale Drive, making this uncontrolled T-intersection a one-way STOP. (Parking and Traffic Department)

(4/26/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2784.)

3/26/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040347** **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Portola Drive, south side, from Diamond Heights Boulevard to 100 feet easterly.

NO PARKING ANYTIME - ESTABLISH
Waterville Street, east side, across from the north property line of 6 Waterville Street, to the northern terminus of the roadway.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
TAXI ZONE - ESTABLISH
Polk Street, west side, between McAllister and Redwood Streets.

TAXI STAND - RESCIND
Dr. Carlton B. Goodlett Place, east side, from 208 feet to 232 feet south of McAllister Street.

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 9 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Oak Street, both sides, between Gough and Octavia Streets (200 block)
179 Oak Street (adds specific address only, no permit parking signs will be installed on the 100 block).

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Baker Street, east side, between Turk Street and Golden Gate Avenue (legislating existing conditions).

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Noe Street, east side, from Elizabeth Street to 11 feet southerly (accommodates two motorcycle parking spaces).

RESIDENTIAL PERMIT PARKING AREA "U", 2-HOUR TIME LIMIT, 8 AM TO 10 PM, MONDAY THROUGH SUNDAY - ESTABLISH
Stillman Street, north side, from 3rd Street to 135 west of 3rd Street
101 and 147 Stillman Street, south side, between 3rd and 4th Streets (adds specific addresses only); and
470 - 3rd Street, west side, between Bryant and Stillman Streets (adds specific addresses only).

PARKING METER NO. 3 (1-HOUR TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY)
Stillman Street, north side, between 135 feet and 410 feet west of 3rd Street. (Parking and Traffic Department)

(3/22/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2784.)
3/26/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040348** **[Traffic Regulations]**
Resolution enacting and rescinding traffic regulations on various streets.

NO LEFT TURN - ESTABLISH
Eastbound Plymouth Avenue onto northbound Plymouth Avenue.

RIGHT LANE MUST TURN RIGHT - RESCIND
Polk Street, west side, between McAllister and Redwood Streets. (Parking and Traffic Department)

(3/22/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2784.)
3/26/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040351** **[Accept - Expend Grant]**
**Supervisor Dufty**

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of $120,000 from the Zellerbach Family Foundation for a social worker position dedicated to working with the children of incarcerated parents (CIP). (Public Defender)
4/1/04, RECEIVED AND ASSIGNED to City Services Committee.
4/5/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

**040352** **[Lease of Real Property - 1060 Howard Street]**
**Supervisors Daly, Peskin**

Resolution authorizing the lease of 4,592 sq. ft. of clinic space in the building located at 1060 Howard Street, San Francisco for the Department of Public Health. (Real Estate Department)

(Fiscal impact.)
4/1/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040353** **[Settlement of Claim - Irene Huang]**
Resolution approving the settlement of the unlitigated claim filed by Irene Huang against San Francisco for $350,000; claim was filed on July 1, 2003; additional material terms of said settlement are: (a) Irene Huang is appointed to a provisional appointment; (b) Irene Huang agrees to cooperate in any proceedings between the City and Ricardo Paez; (c) Irene Huang shall receive 10% (ten percent) of any net recovery. (City Attorney)
4/5/04, RECEIVED AND ASSIGNED to Rules Committee.

## Requests Granted

*From: Supervisor Sandoval*
*To: Police Chief*
*Requesting/Inquiring: Requesting a written report of staffing levels at all of the stations in the City and County of San Francisco. Including the following:*
*Number of assigned sergeants and officers for each station for 2001-2003 and 2004 YTD*
*Station by station breakdown (or ratio/percentage) of the number of officers per homicide for 2001-2003 and 2004 YTD*
*Station by station breakdown (or ratio/percentage) of the number of officers per population unit for 2001-2003 and 2004 YTD*
*Station by station breakdown (or ratio/percentage) of the number of officers per geographic unit for 2001-2003 and 2004 YTD*
*Station by station breakdown (or ratio/percentage) of the number of officers per violent crime for 2001-2003 and 2004 YTD*

*From: Supervisor Sandoval*
*To: Director, Mayor's Budget Office*
*To: Controller*
*To: City Attorney*
*Requesting/Inquiring: To notify the Director of the Mayor's Budget Office, Controller and the City Attorney that committee hearing has been called to consider citywide policies regarding overtime pay and efforts to limit it, hearing to be scheduled in the near future. File 040469, Budget Committee*

*From: Supervisor Maxwell*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: To conduct a traffic study at the intersection of Olmstead Street and University Avenue and carry through with the recommendation/s to remedy the issue. There are no sign controls at any of the three approaches to this intersection. Speeding is a big issue here. There is a high school location just inside the Park, there is also an entrance into the park at this intersection. Residents feel unsafe crossing into the park using this intersection. They have already submitted a petition requesting for the installation of a stop sign. The petition is attached for your edification.*

*From: Supervisor Ammiano*
*To: Director, Ethics Commission*
*Requesting/Inquiring: Requesting a justification of its proposal to reduce FY 2004-05 funding for the City's public financing system for campaigns and proposed plans to provide such financing if the number of candidates running exceeds projections of the Commission.*

## In Memoriams

*Issac Espinoza (Entire Board)*
*Judy Suh and Martha Suh (Supervisor Peskin)*
*Gary Combathalade (Supervisor Dufty)*
*David Passanisi (Supervisor Hall)*
*Mary O'Connor (Supervisor Hall)*
*Stephen Soo (Supervisors Ma, Dufty)*
*Kathleen E. Fixa (Supervisors Dufty, Ma)*
*Woodrow "Woody" A. Tennant (Supervisor Dufty)*
*Hanneh Tannous (Supervisor Sandoval)*
*Keith Cylar (Supervisor Daly)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 6:46 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on May 11, 2004.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.

AUG - 6 2004

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PUBLIC LIBRARY

**Tuesday, April 20, 2004 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

*MATT GONZALEZ, PRESIDENT*
*MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,*
*BEVAN DUFTY, TONY HALL, FIONA MA, SOPHIE MAXWELL,*
*JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL*
*Gloria L. Young, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Sandoval, Daly, McGoldrick | 2nd, 3rd, 4th Thursday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Hiles, Wynns | 2nd Monday (Bi-Monthly)<br>4:00 PM |
| **City Services Committee**<br>Supervisors Dufty, Ma, Hall | Thursday<br>9:30 AM |
| **Finance and Audits Committee**<br>Supervisors Daly, Peskin, Ammiano | Wednesday<br>1:00 PM |
| **Land Use Committee**<br>Supervisors McGoldrick, Peskin, Maxwell | Monday<br>1:00 PM |
| **Rules Committee**<br>Supervisors Maxwell, Alioto-Pier, Gonzalez | Wednesday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

**Members Present:** Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:02 p.m. On the call of the roll Supervisors Alioto-Pier, Dufty, Ma and Sandoval were noted absent.*

*Supervisors Dufty, Ma and Sandoval were noted present at 2:04 p.m. Supervisor Alioto-Pier was noted present at 2:08 p.m.*

*Quorum present.*

## APPROVAL OF MEETING MINUTES

**Supervisor McGoldrick, seconded by Supervisor Hall, moved to approve March 23, 2004 and March 30, 2004 Meeting Minutes. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendation of the Finance and Audits Committee

040099 **[Dept. of Administrative Services to provide services to public entities]**
**Supervisors Dufty, Peskin**

Ordinance authorizing the Department of Administrative Services to enter into written agreements with other public entities to provide the public entities with publishing, copying, printing and/or mail services, and ratifying and approving any actions heretofore taken by the Department of Administrative Services to provide such services to public entities.

**Ordinance No.** 73-04
**FINALLY PASSED**

## Recommendations of the Land Use Committee

040147 **[General Plan Amendment in connection with Downtown Housing Demonstration Special Use District]**
**Supervisor Peskin**

Ordinance amending the San Francisco General Plan to change the height and bulk classification in connection with approvals for the proposed Downtown Housing Demonstration Special Use District encompassing the property zoned Downtown Office District (C-3-O) at the corner of Market Street, Kearny Street and Geary Avenue (690 Market Street, Assessor's Block 0311, Lot 006) from 250-S to 285-S; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the eight Priority Policies of Planning Code Section 101.1.

**Ordinance No.** 70-04
**FINALLY PASSED**

040184 **[Zoning Map Amendment in connection with Downtown Housing Demonstration Special Use District]**
**Supervisor Peskin**

Ordinance amending Zoning Map Section 1H and 1SU of the City and County of San Francisco for the property zoned Downtown Office District (C-3-O) at the corner of Market Street, Kearny Street and Geary Avenue (690 Market Street, Assessor's Block 0311, Lot 006) from 250-S to 285-S; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

**Ordinance No.** 71-04
**FINALLY PASSED**

031791 **[Special Use District to eliminate certain zoning requirements for residential uses in the Downtown consistent with a proposed ordinance to facilitate housing in the Downtown]**
**Supervisors Peskin, Daly**

Ordinance amending the San Francisco Planning Code by adding Section 249.26 to create the Downtown Housing Demonstration Special Use District encompassing the property zoned Downtown Office District (C-3-O) at the corner of Market Street, Kearny Street and Geary Avenue (690 Market Street, Assessor's Block 0311, Lot 006) and making findings. The proposed Special Use District would eliminate floor area restrictions and maximum dwelling unit density limits and would allow exceptions to open space requirements and dwelling unit exposure requirements for new residential uses be granted through the process outlined in Planning Code Section 309. The proposed Special Use District would also increase the maximum height and bulk allowed in the district from 250-S to 285-S, and would require that residential projects be subject to the 12 percent (on-site) and 17 percent (off-site) Inclusionary Affordable Housing Program Requirements found in Section 315.3(a)(2).

**Ordinance No.** 69-04
**FINALLY PASSED**

040366 **[Conditionally Designate 690 Market, the Chronicle Building, as a Landmark Under Planning Code Article 10]**
**Supervisors Peskin, Hall**

Ordinance conditionally designating 690 Market, the Chronicle Building, as Landmark No. 243 pursuant to Article 10, Sections 1004 And 1004.4 of the Planning Code.

**Ordinance No.** 72-04
**FINALLY PASSED**

## Recommendation of the Rules Committee

040261 **[Settlement of Lawsuit - Laura Bianchi]**
Ordinance authorizing settlement of the lawsuit filed by Laura Bianchi against the City and County of San Francisco for $70,000; the lawsuit was filed on August 14, 2003 in San Francisco Superior Court, Case No. 03-423459; entitled Laura Bianchi v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 74-04
**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendations of the Finance and Audits Committee

**021505** **[Ordinance adding Section 21.25-3 to the Administrative Code]**
**Supervisors Ammiano, Daly**

Ordinance adding Section 21.25-3 to the San Francisco Administrative Code to require that workers engaged in rigging, sound, projection, theatrical lighting, videos, computers, draping, carpentry, special effects, and motion picture services on property owned by the City and County of San Francisco be paid the prevailing rate of wage and that such workers will have job protection with the successor contractor for a transition period after a contract, lease, franchise, permit or other contractual arrangement is terminated.

**Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Ordinance adding Section 21.25-3 to the San Francisco Administrative Code to require that workers engaged in rigging, sound, projection, theatrical lighting, videos, computers, draping, carpentry, special effects, and motion picture services for shows on property owned by the City and County of San Francisco be paid the prevailing rate of wage.

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040100** **[Process for Sale of Real Property]**
**Supervisors Peskin, Hall**

Ordinance authorizing the Public Utilities Commission to solicit proposals and bids for the sale of certain real properties with development potential that are not needed for utility purposes, subject to the review and approval by the Board of Supervisors, by resolution, of any final sale of such properties.

*Continued to April 27, 2004*

**Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## From the Finance and Audits Committee Without Recommendation

**040272** **[Public Employment]**
**Mayor**

Ordinance amending Ordinance No. 195-03 (Annual Salary Ordinance 2003/04) reflecting the deletion of 187.4 positions in the following departments: Administrative Services, Adult Probation, Adult and Aging Services, Airport, Assessor, Convention Facilities, Emergency Communications, Environment, Human Resources, Juvenile Probation, Municipal Transportation Agency, Police, Public Health, Recreation and Park, Sheriff and Telecommunication and Information Services. (Municipal Transportation Agency)

**Ordinance No.** 75-04
**FINALLY PASSED by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

# NEW BUSINESS

## Recommendations of the Finance and Audits Committee

**040318** **[Amending Domestic Partnership requirements]**
**Supervisors Ammiano, Dufty, Daly**

Ordinance amending Chapter 62 of the Administrative Code by amending the statement of purpose in Section 62.1; amending Sections 62.2(d), 62.3(b) and 62.5(b) to remove a waiting period for certain domestic partnerships; amending Sections 62.3(a)(2) and 62.10(a) relating to Retirement System requirements; repealing Section 62.3(c) to eliminate a residency requirement; amending Section 62.6(a) to expand the rights and duties of domestic partners; adding Section 62.11 to clarify the Board of Supervisors' authority to amend domestic partnership legislation; adding Section 62.12 to add a severability provision; and adding Section 62.13 to ratify and approve domestic partnerships between certain non-residents.

(Fiscal impact.)

*Supervisor Daly requested to be added as a co-sponsor.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040389** **[Unrepresented Employees]**
Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2004. (Mayor)

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**031640** **[Airport - Amendment to Concession Agreement and Lease Agreement for Rental Car Operations]**

Resolution approving (a) Amendment No. 1 to the Concession Agreements and Lease Agreements for Rental Car Operations between Alamo Rent-A-Car, LLC, Avis Rent-A-Car System, Inc., Budget Rent-A-Car Systems, Inc., Dollar Rent-A-Car System, Inc., Enterprise Rent-A-Car Company of San Francisco, The Hertz Corporation, and Thrifty Rent-A-Car System, Inc., and the City and County of San Francisco, acting by and through its Airport Commission; and (b) Amendment No. 1 to the Lease Agreement for Rental Car Operations between National Car Rental Systems, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal impact; No Public Benefit Recipient.)

**Resolution No.** 236-04

**ADOPTED by the following vote:**

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Hall, Ma, Maxwell, Peskin
Noes: 3 - Gonzalez, McGoldrick, Sandoval

**040034** **[Modification #6 to Lease and Use Agreement No. L-82-0115 with Delta Air Lines, Inc. at Terminal 1 of S.F. International Airport.]**

Resolution approving and authorizing the execution of Modification # 6 to Lease and Use Agreement No. L-82-0115 with Delta Air Lines, Inc., to reduce terminal space in Terminal 1 of San Francisco International Airport. (Airport Commission)

**Resolution No.** 237-04

**ADOPTED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040035** **[Modification #7 to Lease and Use Agreement No. L-82-0119 with Northwest Airlines, Inc. at Terminal 1 of S.F. International Airport]**

Resolution approving and authorizing the execution of Modification # 7 to Lease and Use Agreement No. L-82-0119 with Northwest Airlines, Inc., to reduce terminal space in Terminal 1 of San Francisco International Airport. (Airport Commission)

**Resolution No.** 238-04

**ADOPTED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040077** **[2004 Annual Fundraising Drive]**

Resolution designating those agencies qualified to participate in the 2004 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

**Resolution No.** 239-04

**ADOPTED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040186** **[Reimbursement Resolution]**

**Supervisor McGoldrick**

Resolution declaring the intent of the City and County of San Francisco to reimburse certain expenditures from proceeds of future indebtedness; and approving and ratifying previous actions in connection therewith

**Resolution No.** 240-04

**ADOPTED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040319** **[MTA Workers' Compensation Administration Contract Award]**
**Mayor**

Resolution authorizing retroactive to March 27, 2004, the Director of Transportation to award a contract to Sedgwick Claims Management Services for Workers' Compensation Third Party Claims Administration, not to exceed $3.183 million in the first year and adjusted annually by formula for four subsequent years, with the option of three one-year extensions to be exercised at the sole discretion of the MTA.

(Fiscal impact.)

**Resolution No.** 241-04
**ADOPTED by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## Recommendation of the Land Use Committee

**031930** **[Planning Code Amendments - The Old Mint]**
**Supervisors Peskin, Daly, Hall**

Ordinance amending the San Francisco Planning Code by amending Section 128 to allow a City-owned landmark in a P (Public) zoning district that is adjacent to properties zoned C-3 (Downtown Commercial) to sell Transferable Development Rights and by amending Section 149 to authorize the landmark to receive artwork contributions in order to finance rehabilitation and restoration of the exterior of the property; adopting findings.

*Supervisors Daly and Hall requested to be added as co-sponsors.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## From the Land Use Committee Without Recommendation

040375 **[Parking Regulations at Various Locations on California Street]**
**Supervisor McGoldrick**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY NO PARKING (6AM - 6 PM EXCEPT SATURDAYS, SUNDAYS AND HOLIDAYS) - ESTABLISH
California Street, north side, from 182 feet to 222 feet west of 32nd Avenue (40 foot zone).

PERPENDICULAR (90-DEGREE ANGLE) PARKING - RESCIND
California Street, north side, from 100 feet to 182 feet west of 32nd Avenue.

ANGLE (45-DEGREE ANGLE) PARKING - ESTABLISH
California Street, north side, from 100 feet to 182 feet west of 32nd Avenue (6 spaces).

COMPACT ONLY PARKING - ESTABLISH
California Street, north side, from 75 feet to 182 feet west of 32nd Avenue (7 spaces).

(3/19/04: Categorically exempt from Environmental Review Class I(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

*Amended by replacing "6am to 6pm" with "7am to 5pm".*

**Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Resolution be AMENDED. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**Resolution No.** 242-04

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

# SPECIAL ORDER 3:30 P.M - Recognition of Commendations

## Privilege of the Floor

**Supervisor Hall, seconded by Supervisor Maxwell, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

*Supervisor Hall welcomed, introduced and presented a Certificate of Honor to Bob Begley, Hotel Council.*

*Supervisor Maxwell welcomed, introduced and presented Commendations to members of BayCat.*

*Supervisor Alioto-Pier introduced a commendation to members of the San Francisco Fire Department Battalions 4, 5,and 6 in recognition of their heroic efforts in fire fighting.*

# COMMITTEE REPORTS

## From the Budget Committee

**040411** **[Waiving, for 2004, the May 1 deadline for enterprise department budget submittal]**
**Supervisor Sandoval**

Ordinance amending Section 3.3 of the San Francisco Administrative Code to waive, for 2004, the May 1 deadline for the Mayor to submit to the Board of Supervisors the proposed budgets for the enterprise departments of the City and County of San Francisco.

**PASSED ON FIRST READING by the following vote:**
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

## From the Rules Committee

**040223** **[Appointment to Police Commission - Douglas Chan]**
**Mayor**

Motion confirming the Mayor's nomination of, and appointing, Douglas Chan to the San Francisco Police Commission for a term of office commencing on April 30, 2004 at noon, with the term ending to be determined by lot.

Transmittal Date: 3/2/04.
4/14/04 Supervisor Ammiano dissented in Committee.

**Motion No.** M04-47
**APPROVED by the following vote:**
Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Daly

## Supervisor Alioto-Pier Excused From Voting

**Supervisor Ammiano, seconded by Supervisor Maxwell, moved to excuse Supervisor Alioto-Pier, at her request from voting on this matter. The motion carried by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040224** **[Appointment to Police Commission - Joseph Veronese]**
**Mayor**

Motion confirming the Mayor's nomination of, and appointing, Joseph Veronese to the San Francisco Police Commission for a term of office commencing on April 30, 2004 at noon, with the term ending to be determined by lot.

Transmittal Date: 3/2/04.
4/14/04 Supervisor Ammiano dissented in Committee.

**Motion No.** M04-48
**APPROVED by the following vote:**
Ayes: 8 - Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Ammiano, Daly
Excused: 1 - Alioto-Pier

**040225** **[Appointment to Police Commission - Dr. Joe Marshall]**
**Mayor**

Motion confirming the Mayor's nomination of, and appointing, Dr. Joe Marshall to the San Francisco Police Commission for a term of office commencing on April 30, 2004 at noon, with the term ending to be determined by lot.

Transmittal Date: 3/2/04.
4/14/04 Supervisor Ammiano dissented in Committee.

**Motion No.** M04-49

**APPROVED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**031919** **[Appointment - Police Commission]**

Motion confirming the Rules Committee's nominations of, and appointing, Theresa Sparks, Peter Keane and Gayle Orr-Smith to the San Francisco Police Commission for a term of office commencing on April 30, 2004 at noon, with terms ending to be determined by lot. (Rules Committee)

4/14/04 Supervisor Ammiano dissented in Committee on the recommendation to appoint Peter Keane and Gayle Orr-Smith.
Theresa Sparks, seat 1, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for either an initial one year, two year or three year term (determined by lot) ending date to be determined.
Peter Keane, seat 2, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for either an initial one year, two year or three year term (determined by lot) ending date to be determined.
Gayle Orr-Smith, seat 3, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for either an initial one year, two year or three year term (determined by lot) ending date to be determined.

*Supervisor Daly, seconded by Supervisor Ammiano, moved to rerefer this matter to Committee.*
*Motion failed by the following vote:*
*Ayes: 3- Ammiano, Daly, Sandoval*
*Noes: 8- Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin*

*Supervisor Daly moved to amend by substituting "John Trasvino, Kim Shree Maufas, and Victor Hwang" for the appointments of Theresa Sparks, Peter Keane and Gayle Orr Smith" to the Police Commission.*
*Motion failed for lack of second.*

*Nomination and Appointment of Theresa Sparks (Seat 1) to the Police Commission:*

*Supervisor Sandoval, seconded by Supervisor Daly, moved to amend by substituting "John Trasvino" for the appointment of "Theresa Sparks".*
*Motion failed by the following vote:*
*Ayes: 2- Daly, Sandoval*
*Noes: 9- Alioto-Pier, Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin*

*Supervisor Daly moved to amend by substituting "Kim Shree Maufas" for the appointment of "Theresa Sparks".*
*Motion failed for lack of a second.*

*Supervisor Daly moved to amend by substituting "Victor Hwang" for the appointment of "Theresa Sparks".*
*Motion failed for lack of a second.*

*Nomination and appointment of Peter Keane (Seat 2) to the Police Commission:*
*Supervisor Daly, seconded by Supervisor Ammiano, moved to amend by substituting "John Trasvino" for the appointment of "Peter Keane."*
*Motion failed by the following vote:*
*Ayes: 3- Ammiano, Daly, Sandoval*
*Noes: 8- Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin*

*Supervisor Daly moved to amend by substituting "Kim Shree Maufas" for the appointment of "Peter Keane"*
*Motion failed for lack of a second.*

*Supervisor Daly moved to amend by substituting "Victor Hwang" for the appointment of "Peter Keane"*
*Motion failed for lack of a second.*

*Nomination and appointment of Gayle Orr-Smith (Seat 3) to the Police Commission:*
*Supervisor Daly, seconded by Supervisor Ammiano, moved to amend by substituting "Kim Shree Maufus" for the appointment of "Gayle Orr-Smith".*
*Motion failed by the following vote:*
*Ayes: 2- Ammiano, Daly*
*Noes: 9- Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval*

*Confirming the Rules Committee's nominations of and appointing of Theresa Sparks, Peter Keane and Gayle Orr-Smith to the Police Commission were approved by the following vote:*

**Motion No.** M04-50

**APPROVED by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Daly

## ROLL CALL FOR INTRODUCTIONS

## PUBLIC COMMENT

*Abdullah Megaheed; help for poor people and homeless*
*Male Speaker*
*Rubin David Goodman; behavior of public safety officers*
*Elissa Eckman, Commission on Animal Care and Welfare; health and welfare of elephants at San Francisco Zoo*
*Denise Gobel; health and welfare of elephants at San Francisco Zoo*
*Dr. Eliott Katz; health of elephants at San Francisco Zoo*
*T. Hall; rights of family member care givers*
*Mike Mitrellis; conduct of UCSF and Police Department*
*John DiDonna; asked series of questions*
*Dan Raush; problems in the Tenderloin*
*Anna Maria Loya, Executive Director, La Raza Centro Legal; appointments to the Police Commission*
*Male Speaker; appointments to the Police Commission*
*Earl Rogers, Chaplain, San Francisco Rescue Mission; Pastor Wong's hunger strike*
*Mr. Murphy; poor people in Mission District*
*Female Speaker; behavior of police*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**040452** **[Week of the Young Child]**
**Supervisors Ma, Dufty, Alioto-Pier**

Resolution recognizing the importance of children's earliest years and the need to support early child-care programs and services, and declaring April 17, 2004 through April 24, 2004 as "Week of the Young Child" in the City and County of San Francisco.

**Resolution No.** 244-04
**ADOPTED**

**040453** **[Safety Seat Checkup Week]**
**Supervisors Ma, Dufty, Alioto-Pier, Hall**

Resolution declaring April 18, 2004 through April 24, 2004 as "Safety Seat Checkup Week" in the City and County of San Francisco.

*Supervisor Hall requested to be added as a co-sponsor.*

**Resolution No.** 245-04
**ADOPTED**

**040456** **[Commending Hannah Paarlberg]**
**Supervisor Sandoval**

Resolution commending Hannah Paarlberg of Balboa High School on her accomplishments in the sport of wrestling.

**Resolution No.** 246-04
**ADOPTED**

**040457** **[Commending House Minority Leader Nancy Pelosi]**
**Supervisors Sandoval, Dufty, Ma**

Resolution commending House Minority Leader Nancy Pelosi for receiving the 2004 "Distinguished Community Health Champion" award from the National Association of Community Health Centers.

*Supervisor Ma requested to be added as a co-sponsor.*

**Resolution No.** 247-04
**ADOPTED**

**040460** **[Urging the Legislature to amend Public Utilities Code to allow local regulation of charter party carriers]**
**Supervisors Daly, Maxwell**

Resolution urging the California State Legislature to support an amendment to the California Public Utilities Code that would allow a city and/or county to impose a business license fee, and adopt reasonable rules and regulations pertaining to charter party carriers operating within city and/or county jurisdictions.

**Resolution No.** 248-04
**ADOPTED**

**040461** **[Commending Michael C. Healy]**
**Supervisor Daly**

Resolution commending Michael C. Healy on his service to the Bay Area Rapid Transit District (BART) and to public transportation.

**Resolution No.** 249-04
**ADOPTED**

**040471** **[Supporting AB 2863]**
**Supervisors Maxwell, Dufty, Ma**

Resolution supporting AB 2863 and urging the California legislature to pass AB 2863 allowing for the improvement of indoor air quality in our schools.

*Supervisor Ma requested to be added as a co-sponsor.*

**Resolution No.** 250-04
**ADOPTED**

**040474** **[Proposed Changes to Section 8 Housing Policy]**
**Supervisors Maxwell, Peskin, Daly**

Resolution urging United States Senators Dianne Feinstein and Barbara Boxer and United States Congresswoman Nancy Pelosi to oppose changes to Federal Section 8 Housing Policy.

*Supervisors Peskin and Daly requested to be added as co-sponsors.*

**Resolution No.** 252-04
**ADOPTED**

**040478** **[Strictly Bluegrass]**
**Supervisors Peskin, Ammiano, Hall**

Resolution urging that Warren Hellman bring Strictly Bluegrass back to Golden Gate Park.

*Supervisor Hall requested to be added as a co-sponsor.*

**Resolution No.** 253-04
**ADOPTED**

**040479** **[Bhopal Remembrance Day]**
**Supervisor Peskin**

Resolution Declaring December 3, 2004 as Bhopal Remembrance Day.

**Resolution No.** 254-04
**ADOPTED**

**040480** **[Less Costly Pharmaceuticals]**
**Supervisors Peskin, Sandoval, Daly**

Resolution authorizing the Department of Public Health to participate in the State Department of General Services pharmaceutical purchasing program to explore the cost benefits of participation, and further approving its participation in State Department of General Services pharmaceutical purchasing contracts that provide favorable cost benefits for the Department.

*Supervisor Daly requested to be added as a co-sponsor.*

**Resolution No.** 255-04
**ADOPTED**

**040482** **[Accept-Expend State Grant]**
**Supervisors Maxwell, Dufty, Hall**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend funds in the amount of $2,218,010 from the State Board of Corrections, from funds made available under Senate Bill 736 – known as the Juvenile Justice Crime Prevention Act (JJCPA), for programs and approaches that have been demonstrated to be effective in reducing delinquency.

*Supervisor Hall requested to be added as a co-sponsor.*

**Resolution No.** 257-04
**ADOPTED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## Severed from Without Reference to Committee Agenda

*Supervisor Hall requested that this matter be severed so that it might be considered separately.*

**040444** **[Older Americans Month]**
**Supervisors Hall, Dufty, Ma**

Resolution recognizing the month of May 2004 as Older Americans Month in San Francisco and encouraging all San Franciscans to promote and participate in activities and services that contribute to the health, welfare, and independence of older citizens.

*Supervisor Ma requested to be added as a co-sponsor.*

**Supervisor Hall, seconded by Supervisor McGoldrick, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**Resolution No.** 243-04

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

*Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.*

*Supervisor Ammiano noted absent at 5:25 p.m.*

**040472** **[Supporting AB 2367, AB 2132]**
**Supervisors Maxwell, Dufty, Ma**

Resolution supporting AB 2367 (Chan) and AB 2132 (Reyes/Chan) and urging the California legislature to pass the two legislation allowing children in schools with Asthma easier access to their medication.

*Amended by inserting the words "pieces of" after the word "two". New Title.*

**Supervisor McGoldrick, seconded by Supervisor Peskin, moved that this Resolution be AMENDED. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Resolution supporting AB 2367 (Chan) and AB 2132 (Reyes/Chan) and urging the California legislature to pass the two pieces of legislation allowing children in schools with Asthma easier access to their medication.

*Supervisor Ma requested to be added as a co-sponsor.*

**Resolution No.** 251-04

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

*Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.*

**040473** **[Annual Bayview Juneteenth Festival in 2002]**
**Supervisors Maxwell, Dufty**

Resolution urging DPT, DPW, Police, and Fire Department to waive fees incurred by Black Diamond Dynasty for the installation of the 1st Annual Bayview Juneteenth Festival in 2002.

*Continued to April 27, 2004*

**Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

*Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.*

**040481** **[Public Health Comprehensive Child Crisis Services]**
**Supervisors Maxwell, Dufty**

Resolution authorizing the San Francisco Public Health, Community Behavioral Health, Comprehensive Child Crisis Services (SFDPH, CBH, CCCS) (Provider) to enter retroactively into an agreement which includes a mutual indemnification clause and a binding arbitration clause, with Managed Health Network, Inc. (MHN) (Primary Contractor) to provide comprehensive child crisis services at a capitated rate to MHN enrollees for a total estimated revenues of $100,000 for the 16 month period of March 1, 2004 through June 30, 2005.

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Ammiano

*Amended on page 1. lines 10 & 16 by replacing "16 month period" with "22 month period beginning September 1, 2003."*

**Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Ammiano

Resolution authorizing the San Francisco Public Health, Community Behavioral Health, Comprehensive Child Crisis Services (SFDPH, CBH, CCCS) (Provider) to enter retroactively into an agreement which includes a mutual indemnification clause and a binding arbitration clause, with Managed Health Network, Inc. (MHN) (Primary Contractor) to provide comprehensive child crisis services at a capitated rate to MHN enrollees for a total estimated revenues of $100,000 for the 22 month period beginning September 1, 2003 through June 30, 2005.

**Resolution No.** 256-04

**ADOPTED AS AMENDED by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Ammiano

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**040493** **[Real Property Transfer Tax]**
**Supervisors Dufty, Ammiano, Daly**

Ordinance amending Article 12-C of the San Francisco Business and Tax Regulations Code (Real Property Transfer Tax Ordinance) to conform and clarify exemptions for transfers of real property between spouses and domestic partners, and to divide assets upon dissolution of marriage or domestic partnership.
4/20/04, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 5/20/2004.

**040505** **[Fees for notary services]**
**Supervisors Dufty, Ammiano**

Ordinance amending San Francisco Administrative Code Section 8.33.1 to authorize the County Clerk to charge fees for providing notary services to the public in the amount of $10 for an Acknowledgment and $10 for a Jurat; and ratifying that requests for marriage certificate index records are subject to the same charges as are fictitious business name index records.
4/20/04, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 5/20/2004.

**040506** **[Making Environmental Findings and Establishing the San Francisco Dispute Resolution Program, Administrative Fees and Community Funds]**
**Supervisor Dufty**

Ordinance making required environmental findings; adding Article XVI section 2A.250 to Chapter 2A to designate the Mayor's Office of Criminal Justice as the agency administering the Dispute Resolution Programs Act in San Francisco, authorize the Mayor's Office of Criminal Justice to establish and manage a San Francisco Dispute Resolution Program and establish a sliding-scale administrative fee for use of dispute resolution programs; amending section 10.100-95 to provide that all penalties and fines collected from participants in the Dispute Resolution Program be deposited in the Mayor's Community Support Fund and make other technical amendments; repealing section 10.100-295 and replacing it with a new section 10.100-295 to establish a San Francisco Dispute Resolution Program Administrative Fund for the collection of filing fees and administrative fees authorized under the Dispute Resolution Programs Act.
4/20/04, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 5/20/2004.

## Resolutions

**040495** **[AB 2702 Secondary Unit]**
**Supervisors Hall, McGoldrick**

Resolution urging the California State Legislature to not approve Assembly Bill 2702, allowing secondary units without local government input.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040498** **[Accept-Expend Federal Grant]**
**Supervisor Alioto-Pier**

Resolution authorizing the Mayor's Office of Criminal Justice to accept and expend a federal grant in the amount of $10,349,000 from the U.S. Department of Homeland Security for the purposes of providing financial assistance directly to selected jurisdictions through the Fiscal Year 2003 Urban Areas Security Initiative (UASI) to address the unique equipment, training, planning, and exercise needs of large urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040503** **[Authorizing the resale of Redevelopment Agency-assisted ownership units]**
**Supervisor Maxwell**

Resolution authorizing the resale of single-family homes acquired by the Redevelopment Agency with tax increment funds without further approval of the Board of Supervisors pursuant to the small housing project exception under Health and Safety Code Section 33433(c)(1).
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040504** **[Prohibition on Cruise Ship Pollution in San Francisco Bay]**
**Supervisors Alioto-Pier, Daly**

Resolution supporting Assembly Bills 2093 and 2672 to prohibit cruise ship pollution in California.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040518** **[Honoring Ellen Haller, M.D.]**
**Supervisors Ammiano, Dufty**

Resolution Honoring Ellen Haller, M.D. at the San Francisco LGBTQ Pride Celebration Mental Health Conference June 25, 2004 for her distinguished work in the field of Mental Health.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040519** **[Single Room Occupancy Hotel Safety and Stabilization Task Force]**
**Supervisors Ammiano, Dufty, Daly**

Resolution supporting the Single Room Occupancy Hotel Safety and Stabilization Task Force recommendations.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040520** **[Selection of Independent City Auditors]**
**Supervisor Peskin**

Resolution selecting independent auditors for the Controller's Office and the separately audited departments of the City and authorizing a three-year contract with the selected audit firms.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040521** **[Supporting AB 2600]**
**Supervisor Peskin**

Resolution expressing support for Assembly Bill 2600, introduced by Assemblyman John Laird, creating a Sierra Nevada Conservancy.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040522** **[SFSU Gerontology Program]**
**Supervisors Dufty, Hall, Sandoval, Ma**

Resolution urging San Francisco State University to continue its Gerontology Program.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**040496** **[SFStat Implementation]**
**Supervisor Dufty**

Hearing to consider the City's efforts to initiate SFStat, a performance management and technology initiative and a #311 Call Center.
4/20/04, RECEIVED AND ASSIGNED to City Services Committee.

**040497** **[Proposed sewer increases by the S.F. Public Utilities Commission]**
**Supervisor Hall**

Hearing in regards to proposed sewer increases by the San Francisco Public Utilities Commission.
4/20/04, RECEIVED AND ASSIGNED to City Services Committee.

**040499** **[Accept-Expend Federal Pass Through Grant]**
**Supervisor Alioto-Pier**

Resolution authorizing the Mayor's Office of Criminal Justice to accept and expend a Federal pass through grant in the amount of $18,587,312 from the State of California Office of Homeland Security for the purposes of providing financial assistance directly to selected jurisdictions through the Fiscal Year 2003 Urban Areas Security Initiative (UASI) to address the unique equipment, training, planning, and exercise needs of large urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism. Further, authorizing the Director of the Mayor's Office of Criminal Justice or the Deputy Director of the Mayor's Office of Criminal Justice to execute for and on behalf of the named core city, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining Federal financial assistance under Catalog of Federal Domestic Assistance number 16.011.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040500** **[Mayor's proposals for increased revenue in the 2004-05 CCSF budget]**
**Supervisor McGoldrick**

Hearing to consider the Mayor's proposals for increased revenue in the 2004-05 CCSF budget.
4/20/04, RECEIVED AND ASSIGNED to Budget Committee.

**040501** **[Recreation & Parks Dept. proposed 2004-05 work plan, efficiency plan, and budget]**
**Supervisor McGoldrick**

Hearing to consider the proposed 2004-05 work plan, efficiency plan, and budget of the Recreation & Parks Department.
4/20/04, RECEIVED AND ASSIGNED to Budget Committee.

**040502** **[Dept. of Public Works proposed work plan, efficiency plan, and budget]**
**Supervisor McGoldrick**

Hearing to consider the proposed 2004-05 work plan, efficiency plan, and budget of the Department of Public Works.
4/20/04, RECEIVED AND ASSIGNED to Budget Committee.

**040508** **[Wellness Initiative Steering Committee]**
**Supervisor Ammiano**

Hearing of the Joint City/School District Committee to consider an update from the Wellness Initiative Steering Committee.
4/20/04, RECEIVED AND ASSIGNED to City and School District Select Committee.

**040509** **[City-District collaboration on Arts Education]**
**Supervisor Ammiano**

Hearing of the Joint City/School District Committee to consider City-District collaboration on Arts Education.
4/20/04, RECEIVED AND ASSIGNED to City and School District Select Committee.

**040510** **[Status of Elephants at the San Francisco Zoo]**
**Supervisor Gonzalez**

Hearing to discuss the findings of the Commission of Animal Control and Welfare on the status of Elephants at the San Francisco Zoo as well as the Zoo's response to these findings.
4/20/04, RECEIVED AND ASSIGNED to City Services Committee.

**040511** **[Budget Analyst's audit of the Planning Department]**
**Supervisor Peskin**

Hearing to review the Budget Analyst's audit of the Planning Department.
4/20/04, RECEIVED AND ASSIGNED to City Planning Audit Select Committee.

**040512** **[DPW Control Officer Status Report]**
**Supervisor Peskin**

Hearing to review the Department of Public Works' Environmental Control Officer (ECO) Status Report for the first two quarters of Fiscal Year 2004-05.
4/20/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040513** **[Revenue Enhancement Working Group]**
**Supervisor Sandoval**

Hearing to review the suggestions that resulted from the Revenue Enhancement Working Group.
4/20/04, RECEIVED AND ASSIGNED to Budget Committee.

**040514** **[Department of Children, Youth and Families proposed budget cuts]**
**Supervisor Sandoval**

Hearing to review proposed cuts in the budget of the Department of Children, Youth and Families.
4/20/04, RECEIVED AND ASSIGNED to Budget Committee.

**040515** **[Effect of proposed budget cuts on the health/welfare of the children in CCSF]**
**Supervisor Sandoval**

Hearing to review what effect proposed budget cuts will have on the health and welfare of the children in the City and County of San Francisco.
4/20/04, RECEIVED AND ASSIGNED to Budget Committee.

**040517** **[Hearing - Care Not Cash/Real Housing Real Care]**
Hearing to discuss the City's implementation of plan for Care Not Cash/Real Housing Real Care. (Clerk of the Board)
4/20/04, ASSIGNED to Board of Supervisors. Pursuant to File 040516, Board to sit as a Committee of the Whole on May 11, 2004, at 4:00 p.m.

## Motions

**040492** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040516** **[Committee of the Whole - Implementation plan for Care Not Cash/Real Housing Real Care]**
**Supervisor Daly**

Motion scheduling a Committee of the Whole on May 11, 2004 at 4:00 PM to hold a hearing on the City's implementation plan for Care Not Cash/Real Housing Real Care.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

# PROPOSED ORDINANCES

**040393** **[Settlement of Lawsuit - 555 California Street Partners, et al.]**
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against 555 California Street Partners, a California limited partnership, Davre's Inc., Factory Mutual Insurance Company, Excel Building Services, LLC and National Guardian Enterprises, Inc., for $34,200; the lawsuit was filed on August 20, 2003 in the Superior Court of the County of San Francisco, Case No. 423627; entitled City and County of San Francisco v. 555 California Street Partners, a California limited partnership, Davre's Inc., Factory Mutual Insurance Company, Excel Building Services, LLC and National Guardian Enterprises, Inc., et al. (City Attorney)
4/9/04, RECEIVED AND ASSIGNED to Rules Committee.

# PROPOSED RESOLUTIONS

**040391** **[Modification of Easement Deed]**
Resolution approving a modification to an existing Easement Deed between Pacific Gas & Electric Company, a California public utility, and the City and County of San Francisco, acting by and through its Public Utilities Commission ("SFPUC") for the realignment of an existing gas line on City land under the jurisdiction of the SFPUC located in Sunol, California. (Real Estate Department)
4/8/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

## In Memoriams

*Anne Shirley Outin (Supervisor Sandoval)*
*Randy Hendricks (Supervisor Dufty)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 5:32 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on May 25, 2004.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B. Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.

AUG - 6 2004

SAN FRANCISCO
PUBLIC LIBRARY

**Tuesday, April 27, 2004 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

72
127/04

*MATT GONZALEZ, PRESIDENT*
*MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,*
*BEVAN DUFTY, TONY HALL, FIONA MA, SOPHIE MAXWELL,*
*JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL*
*Gloria L. Young, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Sandoval, Daly, McGoldrick | 2nd, 3rd, 4th Thursday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Hiles, Wynns | 2nd Monday (Bi-Monthly)<br>4:00 PM |
| **City Services Committee**<br>Supervisors Dufty, Ma, Hall | Thursday<br>9:30 AM |
| **Finance and Audits Committee**<br>Supervisors Daly, Peskin, Ammiano | Wednesday<br>1:00 PM |
| **Land Use Committee**<br>Supervisors McGoldrick, Peskin, Maxwell | Monday<br>1:00 PM |
| **Rules Committee**<br>Supervisors Maxwell, Alioto-Pier, Gonzalez | Wednesday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

**Members Present:** Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

# ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:07 p.m. On the call of the roll Supervisor Ammiano was noted absent.*

*Supervisor Ammiano was noted present at 2:09 p.m.*

*Quorum present.*

# COMMUNICATIONS

*There were none.*

# CONSENT AGENDA

## Recommendation of the City Services Committee

**040351** **[Accept - Expend Grant]**
**Supervisor Dufty**

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of $120,000 from the Zellerbach Family Foundation for a social worker position dedicated to working with the children of incarcerated parents (CIP). (Public Defender)

**Resolution No.** 261-04
**ADOPTED**

## Recommendations of the Finance and Audits Committee

**040318** **[Amending Domestic Partnership requirements]**
**Supervisors Ammiano, Dufty, Daly**

Ordinance amending Chapter 62 of the Administrative Code by amending the statement of purpose in Section 62.1; amending Sections 62.2(d), 62.3(b) and 62.5(b) to remove a waiting period for certain domestic partnerships; amending Sections 62.3(a)(2) and 62.10(a) relating to Retirement System requirements; repealing Section 62.3(c) to eliminate a residency requirement; amending Section 62.6(a) to expand the rights and duties of domestic partners; adding Section 62.11 to clarify the Board of Supervisors' authority to amend domestic partnership legislation; adding Section 62.12 to add a severability provision; and adding Section 62.13 to ratify and approve domestic partnerships between certain non-residents.

(Fiscal impact.)

**Ordinance No.** 78-04
**FINALLY PASSED**

**040389** **[Unrepresented Employees]**
Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2004. (Mayor)

**Ordinance No.** 79-04
**FINALLY PASSED**

## Recommendation of the Land Use Committee

**031930** **[Planning Code Amendments - The Old Mint]**
**Supervisors Peskin, Daly, Hall**

Ordinance amending the San Francisco Planning Code by amending Section 128 to allow a City-owned landmark in a P (Public) zoning district that is adjacent to properties zoned C-3 (Downtown Commercial) to sell Transferable Development Rights and by amending Section 149 to authorize the landmark to receive artwork contributions in order to finance rehabilitation and restoration of the exterior of the property; adopting findings.

**Ordinance No.** 77-04
**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendation of the Budget Committee

**040411** **[Waiving, for 2004, the May 1 deadline for enterprise department budget submittal]**
**Supervisor Sandoval**

Ordinance amending Section 3.3 of the San Francisco Administrative Code to waive, for 2004, the May 1 deadline for the Mayor to submit to the Board of Supervisors the proposed budgets for the enterprise departments of the City and County of San Francisco.

**Ordinance No.** 80-04
**FINALLY PASSED by the following vote:**
Ayes: 8 - Alioto-Pier, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Gonzalez

## Recommendations of the Finance and Audits Committee

**021505** **[Ordinance adding Section 21.25-3 to the Administrative Code]**
**Supervisors Ammiano, Daly**

Ordinance adding Section 21.25-3 to the San Francisco Administrative Code to require that workers engaged in rigging, sound, projection, theatrical lighting, videos, computers, draping, carpentry, special effects, and motion picture services for shows on property owned by the City and County of San Francisco be paid the prevailing rate of wage.

**Ordinance No.** 76-04
**FINALLY PASSED by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040100** **[Process for Sale of Real Property]**
**Supervisors Peskin, Hall**

Ordinance authorizing the Public Utilities Commission to solicit proposals and bids for the sale of certain real properties with development potential that are not needed for utility purposes, subject to the review and approval by the Board of Supervisors, by resolution, of any final sale of such properties.

**Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Ordinance be RE-REFERRED. The motion carried by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

# NEW BUSINESS

## Recommendation of the Budget Committee

040102 **[Amending fees County Clerk may charge for Declarations of Domestic Partnership and Amendments to such Declarations; adding fee for souvenir marriage certificates]**
**Supervisor Peskin**

Ordinance amending Administrative Code Sections 8.33.1, 62.8 and 62.9 to provide that the County Clerk may impose a $40 filing fee for all Declarations of Domestic Partnership and all Amendments to a Declaration of Domestic Partnership, and to provide for annual adjustment of those fees and of the fees for domestic partnership ceremonies to reflect changes in the Consumer Price Index; and amending Administrative Code Section 8.33.1 to provide that the County Clerk may charge $5 for ceremonial souvenir marriage certificates.

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## Recommendation of the City Services Committee

040250 **[High Risk Sex Offender Map]**
**Supervisors Hall, Ma**

Resolution urging the San Francisco Police Department to provide on their website the general whereabouts of high risk sex offenders, insuring that only high risk offenders and the pictures of those high risk offenders are on the San Francisco Police Department website.

*Amended to require a hearing by May 15, 2005 related to the subject of this Resolution.*
**Supervisor Ammiano, seconded by Supervisor Peskin, moved that this Resolution be AMENDED. The motion carried by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Resolution urging the San Francisco Police Department to provide on their website the general whereabouts of high risk sex offenders, insuring that only high risk offenders and the pictures of those high risk offenders are on the San Francisco Police Department website; requiring a hearing by May 15, 2005 related to the subject of this Resolution.

**Resolution No.** 260-04
**ADOPTED AS AMENDED by the following vote:**
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Maxwell

## Recommendation of the Finance and Audits Committee

040194 **[Employee Catastrophic Illness Program]**
**Supervisors Ammiano, Daly**

Ordinance amending Section 16.9-29A(d) of the San Francisco Administrative Code to authorize employee reimbursement of the Catastrophic Illness Program upon qualification for or receipt of disability benefits and amending Section 16.9-29A(i) of the San Francisco Administrative Code to authorize employee transfer of unused hours to pool if participation in Catastrophic Illness Program expires or is terminated.

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## Recommendations of the Land Use Committee

**040101** **[Interest on Residential Rental Security Deposits: interest calculated according to 6-Month Certificate of Deposit rate published on Federal Reserve Statistical Release internet site]**
**Supervisor Peskin**

Ordinance amending Administrative Code Chapter 49 "Security Deposits for Residential Rental Property," at Section 49.2 "Payment of Interest on Security Deposits," to provide that the required interest on security deposits be calculated according to the 6-Month Certificate of Deposit rate as posted by the Federal Reserve on the Federal Reserve Statistical Release internet site (instead of on the basis of the Federal Reserve's singular Federal Discount Rate, which has been discontinued).

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040227** **[Construct retaining walls in public right-of-way to provide for parking garage driveway and level entry to a new resident at 719 Peru Avenue]**
Resolution granting, through May 10, 2005, revocable permission to Alan Tran to occupy a portion of the street area along Peru Avenue for the purpose of constructing and maintaining retaining walls in order to provide for a parking garage driveway and a level entry to a new building at 719 Peru Avenue (Assessor Block 5943, Lot 024); conditioned upon the payment of a $1,000 fee from Alan Tran to the City and County of San Francisco. (Public Works Department)

*Continued to May 11, 2004.*
**Supervisor Sandoval, seconded by Supervisor McGoldrick, moved that this Resolution be CONTINUED. The motion carried by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040228** **[Construct retaining walls in public right-of-way to provide for a parking garage driveway and level entry to a new resident at 715 Peru Avenue]**
Resolution granting, through May 10, 2005, revocable permission to Robert C. M. & Lori O. W. Chiang to occupy a portion of the street to construct retaining walls in public right-of-way in order to provide for a parking garage driveway and a level entry to a new resident at 715 Peru Avenue (Block 5943, Lot 025); conditioned upon the payment of a $1,000 fee from Robert and Lori Chiang to the City and County of San Francisco. (Real Estate Department)

*Continued to May 11, 2004.*
**Supervisor Sandoval, seconded by Supervisor McGoldrick, moved that this Resolution be CONTINUED. The motion carried by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040238** **[MUNI Biodiesel Pilot Program]**
**Supervisors Gonzalez, Daly**

Resolution urging MUNI to start a pilot program utilizing biodiesel within the next 8 months, as well as research and adopt the use of biodiesel, a cleaner burning alternative fuel, that will significantly reduce emissions.

**Resolution No.** 259-04
**ADOPTED by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## Recommendation of the Rules Committee

040274 **[Production and Inspection Demand Procedures and Pre-Hearing Conference Procedures before Assessment Appeals Board]**
**Supervisors Daly, Maxwell, McGoldrick**

Ordinance amending the San Francisco Administrative Code by adding Sections 2B.21 and 2B.22 to Chapter 2B to provide Production and Inspection Demand Procedures and Pre-Hearing Conference Procedures for proceedings before the Assessment Appeals Boards.

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## SPECIAL ORDER 3:30 P.M - Recognition of Commendations

## Privilege of the Floor

**Supervisor McGoldrick, seconded by Supervisor Dufty, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

*Supervisor McGoldrick welcomed, introduced and presented a Certificate of Honor to Maria Morgan Butcher.*

# COMMITTEE REPORTS

## From the Rules Committee

## Appointment of President Pro Tempore

*At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.*

*The President resumed the Chair shortly thereafter.*

040222 **[Appointment to Police Commission - Louise Renne]**
**Mayor**

Motion confirming the Mayor's nomination of, and appointing, Louise Renne to the San Francisco Police Commission for a term of office commencing on April 30, 2004 at noon, with the term ending to be determined by lot.

Transmittal Date: 3/2/04.

**Motion No.** M04-51

**APPROVED by the following vote:**
Ayes: 8 - Alioto-Pier, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Gonzalez

## Appointment of President Pro Tempore

*At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.*

*The President resumed the Chair shortly thereafter.*

## From the City Services Committee

040092 **[Evaluation of food preparation and service establishments by Department of Public Health, issuance of Symbol, and posting of inspection reports at food preparation and service establishments]**
**Supervisor Hall**

Ordinance amending the San Francisco Health Code by adding a new section 456 et seq. to establish a star rating system by Department of Public Health for inspection of food preparation and service establishments, requiring posting of star rating and inspection score cards by food preparation and service establishments, and providing penalties for lack of compliance.

Supervisor Dufty dissenting.

*Supervisor Ma, seconded by Supervisor Maxwell, moved to rerefer this matter to Committee.*
*Motion to rerefer failed by the following vote:*
*Ayes: 4- Ammiano, Ma, Maxwell, Sandoval*
*Noes: 7 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, McGoldrick, Peskin*

*Supervisor Daly, seconded by Supervisor Ammiano, moved an amendment of the whole as further amended.*
*Motion to amend failed by the following vote:*
*Ayes: 4 - Ammiano, Daly, Dufty, Gonzalez*
*Noes: 7 - Alioto-Pier, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval*

*Supervisor Hall, seconded by Supervisor Alioto-Pier, moved an amendment of the whole as further amended*
**Supervisor Hall, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**
Ayes: 6 - Alioto-Pier, Gonzalez, Hall, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, Dufty, McGoldrick, Sandoval

Ordinance amending the San Francisco Health Code by adding a new section 456 et seq. to establish a Symbol issued by Department of Public Health for inspection of food preparation and service establishments, requiring posting of Symbol and inspection reports by food preparation and service establishments, and providing penalties for lack of compliance.

*Supervisors Daly and Ammiano withdrew their names as sponsor and co-sponsor.*
*Supervisor Hall was added as sponsor.*

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 6 - Alioto-Pier, Gonzalez, Hall, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, Dufty, McGoldrick, Sandoval

**040125** **[Liquor License, 2113 Chestnut Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 3237 Pierce Street to 2113 Chestnut Street (District 2), to Greg O'Flynn for California Wine Merchant, and the issuance of a Type 42 on-sale beer and wine public premises license to the same applicant, will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Resolution No.** 258-04

**ADOPTED by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Hall

# ROLL CALL FOR INTRODUCTIONS

# PUBLIC COMMENT

*Abdullah Megaheed; death penalty*
*Rich Ruggs; gay marriage*
*Rick Fare; Blue Monday*
*Michael Krellis; health issues*
*Dan Paez; no death penalty*
*Commissioner Elissa Eckman, Animal Control and Welfare Commission; wants elephants sent to a sanctuary*
*Male Speaker; wants elephants sent to a sanctuary*
*Denise Nobel; wants elephants sent to a sanctuary*
*Pat Derby; wants elephants sent to a sanctuary*
*Lilly McPhee; wants elephants sent to a sanctuary*
*Female Speaker; wants elephants sent to a sanctuary*
*Laura Beck; wants elephants sent to a sanctuary*
*Dr. Eliot Katz; wants elephants sent to a sanctuary*
*Serilla Kasantay; wants elephants sent to a sanctuary*
*Kristina Hoerler; wants elephants sent to a sanctuary*
*Male Speaker; caregivers*
*Nancy Gin, Chair, Protect Our Benefits; retiree health benefits*
*Male Speaker; elimination of programs at San Francisco State University*
*John DiDonna; violence*
*John Kelly; funding issues*
*Eduardo Bonsi; Muni invasive noises - other traffic invasive noises*
*Rodney; opposes same sex marriages*
*Chaplain Earl Rogers, San Francisco Rescue; Entertainment Commission*
*Dan Zitska; Entertainment Commission*
*Toni Cox; economic issues*
*Male Speaker; crime*
*Female Speaker; medical assistance*

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

*Supervisor Ammiano noted absent at 5:30 p.m.*

**040498** **[Accept-Expend Federal Grant]**
**Supervisor Alioto-Pier**

Resolution authorizing the Mayor's Office of Criminal Justice to accept and expend a federal grant in the amount of $10,349,000 from the U.S. Department of Homeland Security for the purposes of providing financial assistance directly to selected jurisdictions through the Fiscal Year 2003 Urban Areas Security Initiative (UASI) to address the unique equipment, training, planning, and exercise needs of large urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism.

**Resolution No.** 263-04
**ADOPTED**

**040499** **[Accept-Expend Federal Pass Through Grant]**
**Supervisor Alioto-Pier**

Resolution authorizing the Mayor's Office of Criminal Justice to accept and expend a Federal pass through grant in the amount of $18,587,312 from the State of California Office of Homeland Security for the purposes of providing financial assistance directly to selected jurisdictions through the Fiscal Year 2003 Urban Areas Security Initiative (UASI) to address the unique equipment, training, planning, and exercise needs of large urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism. Further, authorizing the Director of the Mayor's Office of Criminal Justice or the Deputy Director of the Mayor's Office of Criminal Justice to execute for and on behalf of the named core city, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining Federal financial assistance under Catalog of Federal Domestic Assistance number 16.011.

**Resolution No.** 264-04
**ADOPTED**

**040503** **[Authorizing the resale of Redevelopment Agency-assisted ownership units]**
**Supervisor Maxwell**

Resolution authorizing the resale of single-family homes acquired by the Redevelopment Agency with tax increment funds without further approval of the Board of Supervisors pursuant to the small housing project exception under Health and Safety Code Section 33433(c)(1).

**Resolution No.** 265-04
**ADOPTED**

**040504** **[Prohibition on Cruise Ship Pollution in San Francisco Bay]**
**Supervisors Alioto-Pier, Daly**

Resolution supporting Assembly Bills 2093 and 2672 to prohibit cruise ship pollution in California.

**Resolution No.** 266-04
**ADOPTED**

**040518** **[Honoring Ellen Haller, M.D.]**
**Supervisors Ammiano, Dufty**

Resolution Honoring Ellen Haller, M.D. at the San Francisco LGBTQ Pride Celebration Mental Health Conference June 25, 2004 for her distinguished work in the field of Mental Health.

**Resolution No.** 267-04
**ADOPTED**

**040519** **[Single Room Occupancy Hotel Safety and Stabilization Task Force]**
**Supervisors Ammiano, Dufty, Daly**

Resolution supporting the Single Room Occupancy Hotel Safety and Stabilization Task Force recommendations.

**Resolution No.** 268-04
**ADOPTED**

**040520** **[Selection of Independent City Auditors]**
**Supervisor Peskin**

Resolution selecting independent auditors for the Controller's Office and the separately audited departments of the City and authorizing a three-year contract with the selected audit firms.

**Resolution No.** 269-04
**ADOPTED**

**040521** **[Supporting AB 2600]**
**Supervisor Peskin**

Resolution expressing support for Assembly Bill 2600, introduced by Assemblyman John Laird, creating a Sierra Nevada Conservancy.

**Resolution No.** 270-04
**ADOPTED**

**040492** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

**Motion No.** M04-52
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Ammiano

## Severed from Without Reference to Committee Agenda

*Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.*

**040473** **[Annual Bayview Juneteenth Festival in 2002]**
**Supervisors Maxwell, Dufty**

Resolution urging DPT, DPW, Police, and Fire Department to waive fees incurred by Black Diamond Dynasty for the installation of the 1st Annual Bayview Juneteenth Festival in 2002.

**Resolution No.** 262-04
**ADOPTED by the following vote:**
Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Ammiano

*Supervisor Daly requested that this matter be severed so that it might be considered separately.*

040495 **[AB 2702 Secondary Unit]**
**Supervisors Hall, McGoldrick**

Resolution urging the California State Legislature to not approve Assembly Bill 2702, allowing secondary units without local government input.

*Supervisor Daly requested that this matter be referred to Committee.*

**REFERRED to the Land Use Committee.**

*Supervisor Dufty requested that this matter be severed so that it might be considered separately.*

040522 **[SFSU Gerontology Program]**
**Supervisors Dufty, Hall, Sandoval, Ma**

Resolution urging San Francisco State University to continue its Gerontology Program.

*Supervisor Dufty requested that this matter be referred to Committee.*

**REFERRED to the City Services Committee.**

*Supervisor Dufty requested that this matter be severed so that it might be considered separately.*

040516 **[Committee of the Whole - Implementation plan for Care Not Cash/Real Housing Real Care]**
**Supervisor Daly**

Motion scheduling a Committee of the Whole on May 11, 2004 at 4:00 PM to hold a hearing on the City's implementation plan for Care Not Cash/Real Housing Real Care.

**NOT APPROVED by the following vote:**

Ayes: 2 - Daly, Sandoval
Noes: 8 - Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin
Absent: 1 - Ammiano

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

040532 **[Establishing a Police Department Citizens Advisory Committee]**
**Supervisor Maxwell**

Ordinance amending Article IV, Chapter 2A of the San Francisco Administrative Code by adding Section 2A.87, to establish the Police Department Citizens Advisory Committee as an advisory committee to the Board of Supervisors.

4/27/04, RECEIVED AND ASSIGNED to Rules Committee.

**040537** **[Surplus City Property]**
**Supervisor Daly**

Ordinance amending the San Francisco Administrative Code by amending Sections 23A.4, 23A.6, 23A.7, 23A.8, 23A.10, and 23A.11, and adding Section 23A.9, to specify procedures for identification of surplus City real property, assessment of the use of such property for housing for the homeless, and approvals for disposition and development of appropriate surplus real property and to establish a Citizens' Advisory Committee.
4/27/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be calendared on May 5, 2004.

**040538** **[Interdepartmental Jurisdictional Transfer of Surplus Property]**
**Supervisor Daly**

Ordinance transferring jurisdiction from the Department of Public Works, the Department of Human Services, and the Real Estate Division of the Administrative Services Department to the Mayor's Office of Housing over the real property commonly known as 301 Wilde; 2627 Cesar Chavez; 600 Bosworth Avenue; 859 Dwight; 455 Bush Street; 401 Franconia; 395 Justin Drive; 1051 Palou; 341 Corbett; 4011 Mission Street; 691 Alemany; 114 Elmira; 2198 Thomas Avenue; 149 Milton Street; 59 Ord Court; 949 Vermont Street; 525 Golden Gate Avenue; 150-170 Otis Street; 100 Broadway Street; 735 Battery Street; and 155 Grove Street and over the real property located near the intersections of Alemany and Ocean; Bayshore Boulevard and Silver Avenue; Bosworth and Burnside; Cesar Chavez and Guerrero Streets; Cayuga and Geneva Avenue; Geneva and Ocean Avenues; Hester Avenue and Bayshore Boulevard; Jerrold Avenue and Rankin; Junipero Serra and Shields Street; Palo Alto and Glenbrook; San Jose and Cuvier Street; Roosevelt Way at Henry Street; Palou and Rankin; Lawton and 20th Avenue; SE Carl and Arguello; DeLong and San Diego; LaGrande and Mansfield; Roosevelt and Park Hill; Augusta and Charter Oak; for assessment of each property for development as affordable housing consistent with Chapter 23A of the Administrative Code.
4/27/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be calendared on May 5, 2004.

**040539** **[Requirements for Department of Building Inspection Permit Tracking System]**
**Supervisors Dufty, Ammiano, Gonzalez**

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 78 to direct the Department of Building Inspection to improve its permit tracking system to allow for open and public review of the status, routing and location of pending permits.
4/27/04, RECEIVED AND ASSIGNED to Rules Committee.

**040540** **[Prevailing wages in contracts for moving services; nonprofit organizations exclusion]**
**Supervisors Ammiano, Daly**

Ordinance adding Section 21.25-x to the Administrative Code requiring prevailing wages in contracts for moving services, but exempting nonprofit organizations.
4/27/04, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 5/27/2004.

## Resolutions

**040232** **[Proposition 36 Research Study]**
**Supervisors Alioto-Pier, Dufty**

Resolution authorizing the San Francisco Department of Public Health, Treatment Access Program, Community Behavioral Health Services (SFDPH, TAP, CBHS) to enter retroactively into an agreement, which includes an indemnification clause, with The Regents of the University of California, University of California at Los Angeles Integrated Substance Abuse Program (UCLA, ISAP), the primary contractor, and expend funds in the amount of $100,000 to participate in a Proposition 36 research study, for the period of November 1, 2003 to November 1, 2005.

4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040495** **[AB 2702 Secondary Unit]**
**Supervisors Hall, McGoldrick**

Resolution urging the California State Legislature to not approve Assembly Bill 2702, allowing secondary units without local government input.

4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

4/27/04, REFERRED to Land Use Committee. Supervisor Daly requested that this matter be referred to Committee.

**040522** **[SFSU Gerontology Program]**
**Supervisors Dufty, Hall, Sandoval, Ma**

Resolution urging San Francisco State University to continue its Gerontology Program.

4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

4/27/04, REFERRED to City Services Committee. Supervisor Dufty requested that this matter be referred to Committee.

**040531** **[Local Vehicle License Fee Restoration]**
**Mayor, Supervisors Peskin, Dufty, Ammiano**

Resolution urging the California State Legislature to pass legislation to allow local governments to obtain voter approval to restore the Vehicle License Fee.

4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040533** **[Public hearing approval for the issuance and sale of revenue bonds by ABAG Finance Authority for Urban School of San Francisco]**
**Supervisor Gonzalez**

Resolution authorizing the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $8,000,000 for the Urban School of San Francisco.

4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040534** **[Funding Levels for Department of Aging and Adult Services]**
**Supervisors Daly, McGoldrick, Sandoval, Dufty, Hall, Ma**

Resolution urging the Mayor to maintain funding levels for services for older adults and adults with disabilities served by and through the Department of Aging and Adult Services.
4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040541** **[Commendation - Kamala Harris]**
**Supervisors Daly, Gonzalez, Ammiano, Maxwell**

Resolution commending the San Francisco District Attorney Kamala Harris for not pursuing the death penalty, and reaffirming the City's support for our District Attorney.
4/27/04, RECEIVED AND ASSIGNED to Rules Committee. 5/13/04: District Attorney notified of meeting.

**040545** **[Establishing Accessible Voting Systems for November 2004 Election]**
**Supervisor Alioto-Pier**

Resolution directing the Department of Elections to immediately determine the cost of implementing touch screen voting systems for the disabled for the November 2004 election.
4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040546** **[Commending Elizabeth Goldstein]**
**Supervisors Dufty, Maxwell, Alioto-Pier, Sandoval, Ammiano, Peskin, Daly, McGoldrick, Gonzalez, Hall**

Resolution commending Recreation and Park General Manager Elizabeth Goldstein.
4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040547** **[Urging the Mayor's Office of Housing to compute and utilize a "SF Median Income" figure]**
**Supervisors Gonzalez, Daly**

Resolution urging the Mayor's Office of Housing to compute a median income figure based exclusively on San Francisco data, rather than on a multi-county figure, and further urging them to utilize the new median figure for all appropriate, locally-funded housing programs.
4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040548** **[Asian American Pacific Islander Month]**
**Supervisors Ma, Dufty, Hall**

Resolution declaring May 2004 "Asian American Pacific Islander Month" in the City and County of San Francisco.
4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040549** **[Commending Hands On San Francisco]**
**Supervisors Ma, Dufty, Hall**

Resolution recognizing Hands On San Francisco for its achievements and declaring May 8, 2004 to be "Hands On San Francisco Day" in the City and County of San Francisco.
4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040550** **[Urging Support of Federal Funding for Residential Substance Abuse Treatment Services]**
**Supervisors Ma, Dufty, Daly**

Resolution urging the San Francisco Congressional delegation to support federal funding for residential substance abuse treatment services for women with children.
4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040551** **[Residential Substance Abuse Services for Women and Children as a Funding Priority]**
**Supervisors Ma, Dufty**

Resolution urging the City and County of San Francisco to set residential substance abuse services for women and children as a funding priority for the social benefit and cost savings they promote for San Francisco.
4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040552** **[Urging the Transfer and Relocation of the Elephants at the San Francisco Zoo]**
**Supervisors Ma, Dufty**

Resolution urging the San Francisco Zoological Society to transfer ownership of and relocate elephants Lulu and Tinkerbelle to a credible sanctuary and to make the move in compliance with USDA regulations and the American Zoo and Aquarium Association's Elephant Species Survival Plan.
4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040553** **[Commending the Excelsior Neighborhood Commercial Revitalization project (ENCoRe) and artist Marta Ayala]**
**Supervisor Sandoval**

Resolution commending the Excelsior Neighborhood Commercial Revitalization project (ENCoRe) and artist Marta Ayala for the installation of murals at the Woolworth site at 4550 Mission Street.
4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040554** **[Commending Margie Stokes]**
**Supervisors Sandoval, Ammiano, Hall**

Resolution commending Margie Stokes on her decades-long commitment to the child care field, and in celebration of her 70th birthday.
4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040555** **[Commending the Cornerstone Missionary Baptist Church]**
**Supervisors Sandoval, Maxwell**

Resolution commending the Cornerstone Missionary Baptist Church on the occasion of its 4th anniversary.
4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040556** **[Public Works Week]**
**Supervisors Hall, Dufty, Ma**

Resolution declaring May 17 through May 21 2004, as Public Works Week in the City and County of San Francisco.
4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**040535** **[Port Audit]**
**Supervisor Daly**

Hearing to consider the Budget Analyst Audit of the Port of San Francisco.
4/27/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be calendared on May 5, 2004.

**040542** **[Funding Shortfall for Recreation and Park Capital Program]**
**Supervisor Dufty**

Hearing to consider the Recreation and Park Department's identified funding shortfall in its capital program and the steps that are being taken to address this shortfall.
4/27/04, RECEIVED AND ASSIGNED to City Services Committee.

**040543** **[Status of Residential Care Facilities]**
**Supervisor Dufty**

Hearing to consider the status of residential care facilities, formerly known as Board and Care, in addressing the care of clients with behavioral and other health needs. This hearing will consider the recommendations and concerns from the recent Family Service Agency conference on residential care that discussed the 40% reduction in available capacity, from 1100 beds to 660 beds, over the last 20 years in San Francisco.
4/27/04, RECEIVED AND ASSIGNED to City Services Committee.

**040544** **[DPT Budget]**
**Supervisor Sandoval**

Hearing on the budget of the Department of Parking and Traffic, particularly as it relates to pedestrian safety programs and Transportation Authority funding from the renewal of the half-cent sales tax in November 2003.
4/27/04, RECEIVED AND ASSIGNED to Budget Committee.

## Motions

**040530** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040536** **[Audit Priorities]**
**Supervisor Daly**

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.
4/27/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be calendared on May 5, 2004.

# PROPOSED RESOLUTIONS

**040430** **[Contracting out Parking Citation Processing/Collection System Services]**
Resolution concurring with Controller's certification that citation processing and collection services can be practically performed by a private contractor at a lower cost than by City and County employees. (Parking and Traffic Department)
4/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040431** **[Contracting out Parking Meter Management System Services]**
Resolution concurring with Controller's certification that parking meter management services, including collection and coin counting can be practically performed by a private contractor at a lower cost than by City and County employees. (Parking and Traffic Department)
4/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

## Requests Granted

*From: Supervisor Gonzalez*
*To: District Attorney*
*Requesting/Inquiring: Requesting the District Attorney inform in writing the Board of Supervisors on several areas related to the Aggressive Solicitation Ban, a proposition approved by voters on November 4, 2003: 1) the number of aggressive solicitation cases brought by the DA's office since the law went into effect, 2) the number of individuals who have paid a fine associated with a citation, 3) the number of individuals who have been screened for drugs and alcohol treatment and mental health services and the number of these who have been referred to a public health diversion program for treatment, 4) the number of individuals imprisoned or required to perform community service as a result of having violated the law three or more times, and 5) the Department's activities, including administrative changes and personnel training, related to the implementation of the law.*

*From: Supervisors Ma, Dufty*
*To: Adult Probation Department*
*To: Department of Consumer Assurance*
*To: Department of Elections*
*To: Department of Human Services*
*To: Department of Parking and Traffic*
*To: Department of Public Health*
*To: Department of Public Transportation/MUNI*
*To: District Attorney's Office*
*To: Emergency Communications Department*
*To: Fire Department*
*To: Juvenile Probation Department*
*To: Police Department*
*To: Public Defender's Office*
*To: Department of Aging and Adult Services*
*To: Rent Stabilization and Arbitration Board*
*To: Sheriff's Office*
*Requesting/Inquiring: To determine how each department's proposed FY 2004-05 budget will affect its ability to implement the Equal Access to Services ordinance.*
*Does your department's proposed FY 2004-05 budget require layoffs of employees in public contact positions? If so, please provide the job titles of bilingual employees who are anticipated to be laid off. Describe how any proposed lay-off of bilingual employees will affect your department's ability to implement the EAS ordinance. The EAS also requires that your department translate all documents that provide vital information to the public about your department's services or programs. Please indicate the dollar amount that your department plans to budget for translating written materials for FY 2004-05.*

*From: Supervisor Sandoval*
*To: Executive Director, Department of Parking and Traffic*
*Requesting/Inquiring: To notify the Director of the Department of Parking and Traffic that a committee hearing has been called to consider the budget of the Department of Parking and Traffic, particularly as it relates to pedestrian safety programs and Transportation Authority funding from the renewal of the half-cent sales tax in November of 2003, hearing to be scheduled in the near future.*
*Also requesting the Clerk of the Board send a copy of this request to:*
*Bond Yee*
*Deputy Director*
*Department of Parking and Traffic*
*25 Van Ness Avenue, Ste. 410*
*San Francisco, CA 94102*

*Jose Luis Moscovich*
*Executive Director*
*San Francisco County Transportation Authority*
*100 Van Ness Avenue, 25th Floor*
*San Francisco, CA 94102*

*Ruth Grabowski*
*147 Madrid Street*
*San Francisco, CA 94112*

*From: Supervisor Alioto-Pier*
*To: Director, Department of Elections*
*Requesting/Inquiring: Directing the Department of Elections to immediately determine the cost of and procedures required 1) to place one DRE touch screen machine in each polling place in the City and County of San Francisco for the November 2004 election; and 2) to place 10 DRE touch screen machines in each Supervisorial district in the City and County of San Francisco, plus three machines in City Hall, and three at the Rose Resnick Lighthouse for the Blind.*
*Due: Please provide by May 18, 2004.*

*From: Supervisor Peskin*
*To: General Manager, Recreation and Park Department*
*Requesting/Inquiring: To report on: 1) the exact electrical and other costs of operating the Vaillancourt Fountain; 2) how the Department determines that annual electrical cost of operating the fountain; 3) any supporting documentation related to the cost of operating the fountain on an annual basis.*

*From: Supervisor Peskin*
*To: General Manager, Public Utilities Commission*
*Requesting/Inquiring: To report on: 1) the exact electrical and other costs of operating the Vaillancourt Fountain; 2) how the Department determines that annual electrical cost of operating the fountain; 3) any supporting documentation related to the cost of operating the fountain on an annual basis.*

## In Memoriams

*George O. Paiva (Supervisor Dufty)*
*Susan T. Kennedy (Supervisors Ma, Sandoval)*
*Marian Dooley (Supervisor Peskin)*
*Ngoc Tran (Supervisor Sandoval)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 5:56 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on June 8, 2004.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.

AUG - 6 2004

SAN FRANCISCO
PUBLIC LIBRARY

**Tuesday, May 11, 2004 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

*MATT GONZALEZ, PRESIDENT*
*MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,*
*BEVAN DUFTY, TONY HALL, FIONA MA, SOPHIE MAXWELL,*
*JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL*
*Gloria L. Young, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Sandoval, Daly, McGoldrick | 2nd, 3rd, 4th Thursday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Hiles, Wynns | 2nd Monday (Bi-Monthly)<br>4:00 PM |
| **City Services Committee**<br>Supervisors Dufty, Ma, Hall | Thursday<br>9:30 AM |
| **Finance and Audits Committee**<br>Supervisors Daly, Peskin, Ammiano | Wednesday<br>1:00 PM |
| **Land Use Committee**<br>Supervisors McGoldrick, Peskin, Maxwell | Monday<br>1:00 PM |
| **Rules Committee**<br>Supervisors Maxwell, Alioto-Pier, Gonzalez | Wednesday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee

**Members Present:** Michela Alioto-Pier, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

# ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:02 p.m. On the call of the roll Supervisor Ammiano was noted absent.*

*Supervisor Ammiano was previously excused from attending the meeting. (See Infra)*
*Quorum present.*

# APPROVAL OF MEETING MINUTES

**Supervisor Maxwell, seconded by Supervisor Sandoval, moved to approve April 13, 2004 Meeting Minutes. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

## Supervisor Ammiano Excused from Attendance

**Supervisor Dufty, seconded by Supervisor Daly, moved to excuse Supervisor Ammiano from attending today's meeting. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

# AGENDA CHANGES

# CONSENT AGENDA

## Recommendation of the Budget Committee

**040102** **[Amending fees County Clerk may charge for Declarations of Domestic Partnership and Amendments to such Declarations; adding fee for souvenir marriage certificates]**
**Supervisor Peskin**

Ordinance amending Administrative Code Sections 8.33.1, 62.8 and 62.9 to provide that the County Clerk may impose a $40 filing fee for all Declarations of Domestic Partnership and all Amendments to a Declaration of Domestic Partnership, and to provide for annual adjustment of those fees and of the fees for domestic partnership ceremonies to reflect changes in the Consumer Price Index; and amending Administrative Code Section 8.33.1 to provide that the County Clerk may charge $5 for ceremonial souvenir marriage certificates.

**Ordinance No.** 83-04
**FINALLY PASSED**

## Recommendation of the City Services Committee

**040021** **[Liquor License Transfer, 360 Sutter Street]**
Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 76 Geary Street to 360 Sutter Street (District 6), to Paul McGinlay for Hector Russell Scottish Imports dba The Whiskey Shop, will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Resolution No.** 274-04
**ADOPTED**

## Recommendation of the Finance and Audits Committee

**040194** **[Employee Catastrophic Illness Program]**
**Supervisors Ammiano, Daly**

Ordinance amending Section 16.9-29A(d) of the San Francisco Administrative Code to authorize employee reimbursement of the Catastrophic Illness Program upon qualification for or receipt of disability benefits and amending Section 16.9-29A(i) of the San Francisco Administrative Code to authorize employee transfer of unused hours to pool if participation in Catastrophic Illness Program expires or is terminated.

**Ordinance No.** 84-04
**FINALLY PASSED**

## Recommendations of the Land Use Committee

040101 **[Interest on Residential Rental Security Deposits: interest calculated according to 6-Month Certificate of Deposit rate published on Federal Reserve Statistical Release internet site]**
**Supervisor Peskin**

Ordinance amending Administrative Code Chapter 49 "Security Deposits for Residential Rental Property," at Section 49.2 "Payment of Interest on Security Deposits," to provide that the required interest on security deposits be calculated according to the 6-Month Certificate of Deposit rate as posted by the Federal Reserve on the Federal Reserve Statistical Release internet site (instead of on the basis of the Federal Reserve's singular Federal Discount Rate, which has been discontinued).

**Ordinance No.** 82-04
**FINALLY PASSED**

040298 **[Grant of Federal Funds]**
**Supervisors Maxwell, Dufty**

Resolution authorizing the Municipal Transportation Agency to accept and expend $1,987,000 of Federal Transit Administration Section 70 funds for the Municipal Railway's NextBus Real Time Vehicle Information project, excluding administrative overhead costs. (Municipal Transportation Agency)

*Supervisor Dufty requested to be added as a co-sponsor.*

**Resolution No.** 279-04
**ADOPTED**

040346 **[STOP Intersections]**
Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Ivy at Buchanan Streets, stopping westbound Ivy Street;
Estero Avenue and Lunado Way, stopping Lunado Way at Estero Avenue, making this intersection an All-Way STOP;
Campbell Avenue at Delta Street, making this uncontrolled intersection an All-Way STOP;
Delta Street at Campbell Avenue, making this uncontrolled intersection an All-Way STOP;
Chestnut and Powell Streets, stopping Powell Street, making this intersection an All-Way STOP;
Faxon Avenue and Kenwood Way, stopping Faxon Avenue, making this intersection an All-Way STOP;
10th Avenue at Ortega Street, stopping Ortega Street, making this intersection an All-Way STOP; and
Isola Way and Rockdale Drive, stopping Isola Way traffic at Rockdale Drive, making this uncontrolled T-intersection a one-way STOP. (Parking and Traffic Department)

(4/26/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2784.)

**Resolution No.** 280-04
**ADOPTED**

**040347** **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Portola Drive, south side, from Diamond Heights Boulevard to 100 feet easterly.

NO PARKING ANYTIME - ESTABLISH
Waterville Street, east side, across from the north property line of 6 Waterville Street, to the northern terminus of the roadway.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
TAXI ZONE - ESTABLISH
Polk Street, west side, between McAllister and Redwood Streets.

TAXI STAND - RESCIND
Dr. Carlton B. Goodlett Place, east side, from 208 feet to 232 feet south of McAllister Street.

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 9 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Oak Street, both sides, between Gough and Octavia Streets (200 block)
179 Oak Street (adds specific address only, no permit parking signs will be installed on the 100 block).

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Baker Street, east side, between Turk Street and Golden Gate Avenue (legislating existing conditions).

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Noe Street, east side, from Elizabeth Street to 11 feet southerly (accommodates two motorcycle parking spaces).

RESIDENTIAL PERMIT PARKING AREA "U", 2-HOUR TIME LIMIT, 8 AM TO 10 PM, MONDAY THROUGH SUNDAY - ESTABLISH
Stillman Street, north side, from 3rd Street to 135 west of 3rd Street
101 and 147 Stillman Street, south side, between 3rd and 4th Streets (adds specific addresses only); and
470 - 3rd Street, west side, between Bryant and Stillman Streets (adds specific addresses only).

PARKING METER NO. 3 (1-HOUR TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY)
Stillman Street, north side, between 135 feet and 410 feet west of 3rd Street. (Parking and Traffic Department)

(3/22/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2784.)

**Resolution No.** 281-04
**ADOPTED**

040348 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

NO LEFT TURN - ESTABLISH
Eastbound Plymouth Avenue onto northbound Plymouth Avenue.

RIGHT LANE MUST TURN RIGHT - RESCIND
Polk Street, west side, between McAllister and Redwood Streets. (Parking and Traffic Department)

(3/22/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2784.)

**Resolution No.** 282-04
**ADOPTED**

## Recommendations of the Rules Committee

040274 **[Production and Inspection Demand Procedures and Pre-Hearing Conference Procedures before Assessment Appeals Board]**
**Supervisors Daly, Maxwell, McGoldrick**

Ordinance amending the San Francisco Administrative Code by adding Sections 2B.21 and 2B.22 to Chapter 2B to provide Production and Inspection Demand Procedures and Pre-Hearing Conference Procedures for proceedings before the Assessment Appeals Boards.

**Ordinance No.** 85-04
**FINALLY PASSED**

040299 **[Settlement of Lawsuit - Laurie, Adam, Jeremy and Caleb Peretz]**

Ordinance authorizing settlement of the lawsuit filed by Laurie, Adam, Jeremy and Caleb Peretz against the City and County of San Francisco for $82,500.00; the lawsuit was filed on December 24, 2002 in San Francisco Superior Court, Case No. 416086; entitled Peretz, et al., v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

040300 **[Settlement of Lawsuit - Anthony Bell]**

Ordinance authorizing settlement of the lawsuit filed by Anthony Bell against the City and County of San Francisco for $75,000; the lawsuit was filed on December 23, 2002 in San Francisco Superior Court, Case No. 416-036; entitled Anthony Bell, et al., v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

040353 **[Settlement of Claim - Irene Huang]**

Resolution approving the settlement of the unlitigated claim filed by Irene Huang against San Francisco for $350,000; claim was filed on July 1, 2003; additional material terms of said settlement are: (a) Irene Huang is appointed to a provisional appointment; (b) Irene Huang agrees to cooperate in any proceedings between the City and Ricardo Paez; (c) Irene Huang shall receive 10% (ten percent) of any net recovery. (City Attorney)

**Resolution No.** 283-04
**ADOPTED**

**040396** **[Appointment - Power Plant Task Force]**

Resolution appointing Philip DeAndrade, Richard Millet, L. Joseph Boss and John Borg, terms ending November 1, 2005, to the Power Plant Task Force.

Philip DeAndrade, new appointment, seat 1, must be a resident of the Mission Bay area; for the unexpired portion of a two-year term ending November 1, 2005.
Richard Millet, new appointment, seat 3, must be a resident of the Potrero Hill area; for the unexpired portion of a two-year term ending November 1, 2005.
L. Joseph Boss, new appointment, seat 4, must be a resident of the Central Waterfront area; for the unexpired portion of a two-year term ending November 1, 2005.
John Borg, new appointment, seat 5, must be a member of the Southern Waterfront Advisory Committee/Pier 70 Community Advisory Group; for the unexpired portion of a two-year term ending November 1, 2005.

**Resolution No.** 284-04
**ADOPTED**

**040439** **[Appointment - Animal Control and Welfare Commission]**

Resolution appointing Laurie Kennedy, Joanne Kipnis and Dr. Mara Weiss, terms ending April 30, 2006, to the Animal Control and Welfare Commission.

Laurie Kennedy, succeeding herself, term expired, seat 1, must be a member representing the general public having interest and experience in animal matters, for a two-year term ending April 30, 2006.
Joanne Kipnis, succeeding herself, term expired, seat 2, must be a member representing the general public having interest and experience in animal matters, for a two-year term ending April 30, 2006.
Dr. Mara Weiss, succeeding Kelly Jensen, term expired, seat 7, must be licensed veterinarian, for a two-year term ending April 30, 2006.

**Resolution No.** 286-04
**ADOPTED**

**040489** **[Appointment - Commission on Aging Advisory Council]**

Resolution appointing Robert Lipman, Jessica Bay, Carlos Serrano-Quan and Catherine Russo, terms ending March 31, 2006, and Marie Conroy-Salbi, term ending March 31, 2005, to the Commission on Aging Advisory Council.

Robert Lipman, succeeding himself, term expired, seat 1, must be a nominee of District 2 Supervisor for a two-year term ending March 31, 2006.
Jessica Bay, succeeding Marie Conroy-Salbi, term expired, seat 4, must be a nominee of District 3 Supervisor for a two-year term ending March 31, 2006.
Carlos Serrano-Quan, succeeding Edmund Jew, term expired, seat 5, must be a nominee of District 4 Supervisor for a two-year term ending March 31, 2006.
Catherine Russo, succeeding herself, seat 6, must be a nominee of District 7 Supervisor, for a two-year term ending March 31, 2006.
Marie Conroy-Salbi, succeeding Tsuyako Kitashima, seat 8, must be a nominee of District 1 Supervisor, for the unexpired portion of a two-year term ending March 31, 2005.

**Resolution No.** 290-04
**ADOPTED**

**040529** **[Appointment - Bicycle Advisory Committee]**

Resolution appointing Lionel Shaw, term ending November 19, 2004, to the Bicycle Advisory Committee.

Lionel Shaw, new appointment, seat 2, must be a nominee of District 2 Supervisor, for a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration, term ending November 19, 2004.

**Resolution No.** 291-04
**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendation of the Budget Committee

**040438** **[Public Defender Requisition Request]**
**Supervisors Gonzalez, Daly**

Motion granting the Office of the Public Defender's Requisition #PE4018/1074384.

**Supervisor Dufty, seconded by Supervisor Sandoval, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

## Recommendation of the City Services Committee

**040092** **[Evaluation of food preparation and service establishments by Department of Public Health, issuance of Symbol, and posting of inspection reports at food preparation and service establishments]**
**Supervisor Hall**

Ordinance amending the San Francisco Health Code by adding a new section 456 et seq. to establish a Symbol issued by Department of Public Health for inspection of food preparation and service establishments, requiring posting of Symbol and inspection reports by food preparation and service establishments, and providing penalties for lack of compliance.

**Ordinance No.** 81-04
**FINALLY PASSED by the following vote:**

Ayes: 7 - Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin
Noes: 3 - Daly, McGoldrick, Sandoval
Excused: 1 - Ammiano

## Recommendations of the Land Use Committee

040227 **[Construct retaining walls in public right-of-way to provide for parking garage driveway and level entry to a new resident at 719 Peru Avenue]**

Resolution granting, through May 10, 2005, revocable permission to Alan Tran to occupy a portion of the street area along Peru Avenue for the purpose of constructing and maintaining retaining walls in order to provide for a parking garage driveway and a level entry to a new building at 719 Peru Avenue (Assessor Block 5943, Lot 024); conditioned upon the payment of a $1,000 fee from Alan Tran to the City and County of San Francisco. (Public Works Department)

**Resolution No.** 275-04

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

040228 **[Construct retaining walls in public right-of-way to provide for a parking garage driveway and level entry to a new resident at 715 Peru Avenue]**

Resolution granting, through May 10, 2005, revocable permission to Robert C. M. & Lori O. W. Chiang to occupy a portion of the street to construct retaining walls in public right-of-way in order to provide for a parking garage driveway and a level entry to a new resident at 715 Peru Avenue (Block 5943, Lot 025); conditioned upon the payment of a $1,000 fee from Robert and Lori Chiang to the City and County of San Francisco. (Real Estate Department)

**Resolution No.** 276-04

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

# NEW BUSINESS

## Recommendation of the Budget Committee

040451 **[City Hiring Freeze]**
**Supervisors Sandoval, Hall**

Ordinance prohibiting the City from filling new or vacant positions except for enterprise or non-General Fund departments or where the Mayor determines that certain exceptions apply, and setting an expiration date.

*Supervisor Hall requested to be added as a co-sponsor.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

## Recommendation of the City Services Committee

**040330** **[California Stem Cell Research and Cures Initiative]**
**Supervisors Alioto-Pier, Maxwell, Dufty, Ma, Daly**

Resolution endorsing The California Stem Cell Research and Cures Initiative, a measure for the November 2004 statewide ballot, which will both support important scientific research and create jobs in California.

Supervisor Hall dissenting.

*Supervisors Ma and Daly requested to be added as co-sponsors.*

**Resolution No.** 271-04

**ADOPTED by the following vote:**

Ayes: 9 - Alioto-Pier, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - Ammiano

## Recommendations of the Finance and Audits Committee

**031839** **[Sidewalk Parking Fine Increase]**
**Supervisor Daly**

Ordinance amending Article 7, Section 132 of the San Francisco Traffic Code, to increase the fine for sidewalk parking from $75.00 to $100.00 as of July 1, 2004, in accordance with Resolution No. 648-01, adopted August 17, 2001; to update the fine for stopping on a freeway because of the repeal of Vehicle Code Section 25220 and enactment of Vehicle Code Section 21718; and to make various editorial changes to clarify the Penalty Schedule. (Parking and Traffic Department)

**NOT PASSED ON FIRST READING by the following vote:**

Ayes: 5 - Daly, Gonzalez, Maxwell, McGoldrick, Peskin
Noes: 5 - Alioto-Pier, Dufty, Hall, Ma, Sandoval
Excused: 1 - Ammiano

*Supervisor Daly, seconded by Supervisor Peskin, moved to rescind the previous vote.*
*Motion to rescind the previous vote carried by the following vote:*

*Ayes: 7- Alioto-Pier, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin*
*Noes: 3 - Hall, Ma , Sandoval*
*Excused: 1- Ammiano*

*Continued to May 18, 2004*

**Supervisor Daly, seconded by Supervisor Peskin, moved that this Ordinance be CONTINUED. The motion carried by the following vote:**

Ayes: 7 - Alioto-Pier, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin
Noes: 3 - Hall, Ma, Sandoval
Excused: 1 - Ammiano

**040236** **[Community Choice Aggregation Program]**
**Supervisors Ammiano, Maxwell, Gonzalez, Peskin, Daly, McGoldrick**

Ordinance establishing a Community Choice Aggregation Program in accordance with California Public Utilities Code Sections 218.3, 331.1, 366, 366.2, 381.1, 394, and 394.25, allowing San Francisco to aggregate the electrical load of electricity consumers within San Francisco and to accelerate the introduction of renewable energy, conservation and energy efficiency into San Francisco's portfolio of energy resources.

*Supervisor McGoldrick requested to be added as a co-sponsor.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

**040362** **[To appropriate funding to Modification No.12 to Contract No.309 with ANSALDOBREDA (Breda), and related consultant and administrative costs for the Municipal Transportation Agency]**
**Mayor**

Ordinance appropriating $12,274,340 of fund balance to fund Modification No. 12 to Contract No. 309 with ANSALDOBREDA (Breda) and for related consultant and administrative costs as part of the Muni Light Rail Vehicles (LRV) Procurement Program. Funding is provided from proceeds of a recently completed Breda lease-lease back transaction. The MTA adopted Resolution No. 04-016 approving a spending plan for Muni's Breda LRV modification program, with an emphasis on operational and passenger safety security enhancements for fiscal year 2003-04.

(Fiscal impact.)

*Supervisor Sandoval, seconded by Supervisor McGoldrick, moved to refer this matter to the Budget Committee.*
*Motion to refer this matter to the Budget Committee failed by the following vote:*
*Ayes: 5 - Daly, Gonzalez, McGoldrick, Peskin, Sandoval,*
*Noes: 5 - Alioto-Pier, Dufty, Hall, Ma, Maxwell*
*Excused: 1- Ammiano*

*Continued to May 18, 2004*

**Supervisor Sandoval, seconded by Supervisor Peskin, moved that this Ordinance be CONTINUED. The motion carried by the following vote:**

Ayes: 8 - Alioto-Pier, Daly, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Dufty, Hall
Excused: 1 - Ammiano

**040364** **[Municipal Transportation Agency Contract No. CS-103 with Booz Allen & Hamilton Inc.] Mayor**

Resolution authorizing the Municipal Transportation Agency to enter into Amendment No. 4 to Municipal Railway Contract No. CS-103 with Booz Allen & Hamilton Inc., for further engineering services through closeout of MUNI's Light Rail Replacement Program, for (1) further consulting services through closeout of MUNI's light rail vehicle replacement program, (2) a contract increase not to exceed $1,500,978, for a total contract amount not to exceed $17,223,332; and (3) a contract extension through December 31, 2007.

(Fiscal impact.)

*Continued to May 18, 2004*

**Supervisor Sandoval, seconded by Supervisor McGoldrick, moved that this Resolution be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - Ammiano

**040384** **[Municipal Transportation Agency Contract Modification No. 12 with ANSALDOBREDA S.p.a] Mayor**

Resolution authorizing the Municipal Transportation Agency to enter into Contract Modification No. 12 with ANSALDOBREDA S.p.a for (1) completion of the video surveillance retrofit on 87 light rail vehicles; (2) design, testing and installation of an emergency brake acceleration limiting device on 151 vehicles; (3) overhaul of the brake system on 23 vehicles, plus two options for up to 30 additional vehicles each; (4) funding for spare parts and repair of damaged vehicles; and (5) modification of the delivery schedule, payment schedule, warranty provisions, and other terms and conditions of the contract to address the new work; all in an amount not to exceed $9,148,576, and for a total contract amount not to exceed $407,155,455.

(Fiscal impact.)

*Supervisor Sandoval, seconded by Supervisor McGoldrick, moved to refer this matter to the Budget Committee. Motion to refer this matter to the Budget Committee failed by the following vote:*
*Ayes: 5 - Daly, Gonzalez, McGoldrick, Peskin, Sandoval,*
*Noes: 5 - Alioto-Pier, Dufty, Hall, Ma, Maxwell*
*Excused: 1- Ammiano*

*Continued to May 18, 2004*

**Supervisor Sandoval, seconded by Supervisor Peskin, moved that this Resolution be CONTINUED. The motion carried by the following vote:**

Ayes: 8 - Alioto-Pier, Daly, Dufty, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Gonzalez, Hall
Excused: 1 - Ammiano

**040537** **[Surplus City Property]**
**Supervisor Daly**

Ordinance amending the San Francisco Administrative Code by amending Sections 23A.4, 23A.6, 23A.7, 23A.8, 23A.10, and 23A.11, and adding Section 23A.9, to specify procedures for identification of surplus City real property, assessment of the use of such property for housing for the homeless, and approvals for disposition and development of appropriate surplus real property and to establish a Citizens' Advisory Committee.

*Supervisor Daly, seconded by Supervisor Peskin, moved to amend by adding the following seats to Surplus Property Citizen's Advisory Committee:*
*three seats appointed by the Mayor: neighborhood representative, open space/parks representative, Mayor's Budget director or her/his designee, and by adding the Chair of the Board of Supervisors Finance and Audits Committee or her/his designee.*

**Supervisor Daly, seconded by Supervisor Peskin, moved that this Ordinance be AMENDED. The motion carried by the following vote:**

Ayes: 8 - Alioto-Pier, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Hall
Absent: 1 - Ma
Excused: 1 - Ammiano

**Supervisor Daly, seconded by Supervisor Peskin, moved that this Ordinance be PASSED ON FIRST READING AS AMENDED. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - Ammiano

**040538** **[Interdepartmental Jurisdictional Transfer of Surplus Property]**
**Supervisor Daly**

Ordinance transferring jurisdiction from the Department of Public Works, the Department of Human Services, and the Real Estate Division of the Administrative Services Department to the Mayor's Office of Housing over the real property commonly known as Ordinance transferring jurisdiction from the Department of Public Works, the Department of Human Services, and the Real Estate Division of the Administrative Services Department to the Mayor's Office of Housing over the real property commonly known as 301 Wilde; 395 Justin Drive; 1051 Palou; 341 Corbett; 114 Elmira; 949 Vermont Street; 150-170 Otis Street; 100 Broadway Street; 735 Battery Street; and 155 Grove Street and over the real property located near the intersections; Geneva and Ocean Avenues; Junipero Serra and Shields Street; San Jose and Cuvier Street; Roosevelt Way at Henry Street; Lawton and 20th Avenue; for assessment of each property for development as affordable housing consistent with Chapter 23A of the Administrative Code.

**PASSED ON FIRST READING AS DIVIDED by the following vote:**

Ayes: 9 - Alioto-Pier, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - Ammiano

**040626** **[Interdepartmental Jurisdictional Transfer of Surplus Property]**
**Supervisor Daly**

Ordinance transferring jurisdiction from the Department of Public Works, the Department of Human Services, and the Real Estate Division of the Administrative Services Department to the Mayor's Office of Housing over the real property commonly known as 2627 Cesar Chavez; 600 Bosworth Avenue; 859 Dwight; 455 Bush Street; 401 Franconia; 4011 Mission Street; 691 Alemany; 2198 Thomas Avenue; 149 Milton Street; 59 Ord Court; 525 Golden Gate Avenue; and over the real property located near the intersections of Alemany and Ocean; Bayshore Boulevard and Silver Avenue; Bosworth and Burnside; Cesar Chavez and Guerrero Streets; Cayuga and Geneva Avenue; Hester Avenue and Bayshore Boulevard; Jerrold Avenue and Rankin; Palo Alto and Glenbrook; Palou and Rankin; SE Carl and Arguello; DeLong and San Diego; LaGrande and Mansfield; Roosevelt and Park Hill; Augusta and Charter Oak; for assessment of each property for development as affordable housing consistent with Chapter 23A of the Administrative Code.

*Divided from File No. 040538*

**REFERRED to the Finance and Audits Committee by the following vote:**

Ayes: 9 - Alioto-Pier, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - Ammiano

**040447** **[Accept-Expend Federal Funding - HOME Program]**
**Mayor, Supervisor Daly**

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the U.S. Department of Housing and Urban Development (HUD) for a total amount of $8,804,425 for the HOME Program authorized under TITLE II of the National Affordable Housing Act of 1990, Public Law Number 101-625, and approving the HOME Program description as described in the 2004 Action Plan for San Francisco's Consolidated Plan; and placing $82,718 on reserve.

(Fiscal impact.)

*Supervisor Daly requested to be added as a co-sponsor.*

**Resolution No.** 287-04

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

**040448** **[Accept-Expend Federal Funding - Community Development Block Grant]**
**Mayor, Supervisor Daly**

Resolution approving the 2004 Community Development Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend the City's 2004 Community Development Block Grant (CDBG) entitlement from the U.S. Department of Housing and Urban Development, and Program Income of $31,374,675 which include indirect costs of $150,000, and approving expenditure schedules for recipient departments and agencies and for indirect costs; placing $2,372,271 on reserve.

*Supervisor Daly requested to be added as a co-sponsor.*

**Resolution No.** 288-04

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

**040449** **[Federal Funding – Emergency Shelter Grants Program]**
**Supervisors Dufty, Daly**

Resolution approving the 2004 Emergency Shelter Grants Program and Expenditure Schedule; and authorizing the Mayor on behalf of the City and County of San Francisco to accept and expend a $924,509 entitlement grant under the Emergency Shelter Grants Program from the U.S. Department of Housing and Urban Development; placing $96,115 on reserve.

(Fiscal impact.)

*Supervisor Daly requested to be added as a co-sponsor.*

**Resolution No.** 289-04

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

**040454** **[General Obligation Refunding Bonds, Series 2004-R1]**
**Mayor, Supervisor Daly**

Resolution authorizing the issuance from time to time in one or more series of not to exceed $800,000,000 Aggregate Principal Amount of City and County of San Francisco General Obligation Refunding Bonds; approving the form and authorizing the execution of General Obligation Refunding Bonds; approving the form and authorizing the execution of Declarations of Trust; authorizing the appointment of depositories and other agents; approving the form and authorizing the execution and delivery of Escrow Agreements; approving the tax levy for repayment of the General Obligation Refunding Bonds; approving procedures for the sale and award of General Obligation Refunding Bonds; approving the form of Official Notices of Sale; authorizing the publication of Notices of Intention to Sell; approving the form of and authorizing the execution and delivery of Bond Purchase Agreements; approving the form and authorizing the execution and delivery of Continuing Disclosure Certificates; authorizing selection of underwriters; approving the form of and authorizing the distribution of Preliminary Official Statements and authorizing execution and delivery of Official Statements; approving the appointment of verification agents; approving the retention of other agents and payment of compensation to such agents; authorizing payment of costs of issuance; approving modifications to documents; ratifying actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said General Obligation Refunding Bonds and the refunding of certain outstanding General Obligation Bonds.

*Supervisor Daly requested to be added as a co-sponsor.*

**Resolution No.** 272-04

**ADOPTED by the following vote:**

Ayes: 9 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Ammiano

**040455** **[Refunding Redevelopment Agency of the City and County of San Francisco Lease Revenue Bonds, Series 1994, (George R. Moscone Convention Center)]**
**Mayor, Supervisor Daly**

Resolution approving the issuance and sale of lease revenue refunding bonds to refinance lease revenue bonds previously issued and sold by the Redevelopment Agency of the City and County of San Francisco (the "Agency"); authorizing the release of reserved monies; approving the form of a project lease between the Agency and the City and County of San Francisco (including certain indemnities contained therein); approving the form of the official statement in preliminary and final form; approving the form of the continuing disclosure certificate; approving the form of irrevocable refunding instructions; and, ratifying previous actions taken in connection therewith; continuing to reserve $2,140,000.

*Supervisor Daly requested to be added as a co-sponsor.*

**Resolution No.** 273-04

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

## Recommendations of the Land Use Committee

**030679** **[Resource Efficiency Requirements and Green Building Standards]**
**Supervisors Ammiano, Maxwell, Peskin, Daly**

Ordinance repealing Chapter 7 of the Environment Code, Resource Efficiency Requirements, and adding a new Chapter 7 to the Environment Code to adopt and incorporate new provisions for green building design principles for City construction projects and to reconfigure the existing Resource Efficiency Building Task Force.

*Supervisor Daly requested to be added as a co-sponsor.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

031463 **[Zoning - Large-scale Retail Use]**
**Supervisors Ammiano, Dufty, Gonzalez, McGoldrick, Daly**

Ordinance amending the Planning Code to add section 121.6 to impose a conditional use requirement for large-scale retail uses in excess of 50,000 gross square feet outside of the C-3 zoning districts and in excess of 90,000 gross square feet within the C-3 zones, to prohibit such uses if they are in excess of 120,000 gross square feet in any zone other than the C-3 zones, and to prohibit specified large-scale retail uses in excess of 120,000 gross square feet in the C-3 zones; amending Planning Code section 303 to add findings for the abovementioned uses concerning active street frontage patterns, mixed-use building opportunities, and other criteria set forth herein; making findings of consistency with the General Plan and Planning Code section 101.1(b); and exempting from this legislation those uses for which the City received a site permit application prior to July 15, 2003.

Supervisor Maxwell dissenting in committee.

*Supervisor Daly requested to be added as a co-sponsor.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 8 - Alioto-Pier, Daly, Dufty, Gonzalez, Ma, McGoldrick, Peskin, Sandoval
Noes: 2 - Hall, Maxwell
Excused: 1 - Ammiano

040315 **[Designating 2362 Market Street, the Jose Theater / Names Project building, as a Landmark Under Planning Code Article 10]**
**Supervisors Dufty, Maxwell, Peskin**

Ordinance designating 2362 Market Street, the Jose Theater / Names Project Building, as Landmark No. 241 Pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

**PASSED ON FIRST READING by the following vote:**
Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

040443 **[Designating 2550 Mission Street, the New Mission Theater, as a Landmark]**
**Supervisors Ammiano, Maxwell, Peskin, Daly**

Ordinance designating 2550 Mission Street, the New Mission Theater, as Landmark No. 245.

*Supervisor Daly requested to be added as a co-sponsor.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

## Supervisor Daly Excused From Voting

**Supervisor Dufty, seconded by Supervisor Peskin, moved to excuse Supervisor Daly at his request from voting on this matter. The motion carried by the following vote:**
Ayes: 9 - Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 2 - Ammiano, Daly

**040413** **[Central Freeway Alternative Configurations]**
**Supervisors Ammiano, Dufty**

Resolution urging the Governor to postpone future retrofits of the Central Freeway deck and to commit the State to participate in a study of alternative future configurations for the Central Freeway.

**Resolution No.** 304-04
**ADOPTED by the following vote:**
Ayes: 8 - Alioto-Pier, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Hall
Excused: 2 - Ammiano, Daly

## Recommendations of the Rules Committee

**020585** **[Establishing a Library Citizens Advisory Committee]**
**Supervisor Daly**

Ordinance amending Chapter 5 of the San Francisco Administrative Code by adding Article 25, Section 5.250, to establish the Library Citizens Advisory Committee as an advisory committee to the Board of Supervisors.

*Motion to rescind the previous vote carried without objection.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 9 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Sandoval
Absent: 1 - Peskin
Excused: 1 - Ammiano

**PASSED ON FIRST READING by the following vote:**
Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

**040268** **[Appointment - Treasure Island Development Authority Citizens Advisory Committee]**
Resolution appointing Elizabeth Strahlstrom, term ending January 1, 2005, to the Treasure Island Development Authority Citizens Advisory Board.

Elizabeth Strahlstrom, succeeding Arnold Levine, resigned, seat 11, must possess any of the following qualifications: land use and urban planning and architecture; transportation planning and alternative and mass transit; historic conservation and preservation; engineering and construction; real estate development and financing; economic development and job generation and organized labor; first-source hiring, welfare-to-work and other job broker programs; affordable and low-income housing; marine related activities; natural resource preservation and conservation; environmental and toxic remediation and control; tideland trust and public access; open-meeting laws; recreational and athletic opportunities and programs; representative of public safety officers on Treasure Island; representative of TIHDI; representative of Job Corps; Representative of Treasure Island Elementary School; representative of film production industry; and representative of residential tenants on Treasure Island, for the unexpired portion of a four-year term ending January 1, 2005.
Supervisor Maxwell dissenting.

**Resolution No.** 278-04
**ADOPTED by the following vote:**
Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

**040403** **[Confirming the appointment of Ann Blumlein Lazarus to the San Francisco Port Commission]**
**Mayor**

Resolution confirming the appointment of Ann Blumlein Lazarus to the San Francisco Port Commission.

**Resolution No.** 285-04

**ADOPTED by the following vote:**
Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

## SPECIAL ORDER 3:30 P.M - Recognition of Commendations

### Privilege of the Floor

**Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**
Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

*Supervisor Alioto-Pier, welcomed, introduced, and presented a Certificate of Honor to Levon Der Bedrossian, owner of La Mediterranee Restaurant.*

## SPECIAL ORDER 4:00 P.M.

*Recess*

*The Board recessed at the hour of 4:10 p.m.*

*Reconvening of the Board*

*The Board at the hour of 4:21p.m. reconvened.*

*Calling the Roll*

*On call of the roll, the following Supervisors were noted present:*
*Supervisors Daly, Gonzalez, Hall, Ma, McGoldrick, Peskin - 6*

*Quorum present.*

*Supervisors Alioto-Pier, Dufty, and Maxwell were noted present at 4:24 p.m.*
*Supervisor Sandoval was noted present at 6:44 p.m.*

040425 **[Public Hearing - Appeal, Conditional Use - 2599 Lombard Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16742 dated March 18, 2004 approving a conditional use authorization, Case No. 2003.0080C, to install four (4) cellular antennas and related equipment on the roof of the Pacific Motor Inn, as part of Verizon Wireless telecommunications network within the NC-3 (Moderate-scale Neighborhood Commercial) District and a 40-X Height and Bulk District, on property located at 2599 Lombard Street; Lot 016 in the Assessor's Block 0938. (Appellant: Mary Irene Zemanek.)

(Filed April 12, 2004; categorically exempt from environmental review process under (CEQA); companion measure to Files 040426, 040427, 040428, District 2.)

*Mary Irene Zamanek, Appellant*
*Albert Dong; support of appellant*
*Lillian Wagner; support of appellant*
*Lorie Brooke; support of appellant*
*Jan and Abby Diamond; support of appellant*
*Martina Elhares; support of appellant*
*Dale Benson; support of appellant*
*Owner of Pacific Motel; support of appellant*
*David Brancroft; support of appellant*
*Elizabeth Traub; support of appellant*
*Albert Hom; support of appellant*
*Tony David; support of appellant*
*Richard Rypinski; support of appellant*
*Alex Hom; support of appellant*
*Lorin Hom; support of appellant*
*Patricia Vaughey; support of appellant*
*Mary Jarvis; support of appellant*
*Irene Zamanek; support of appellant*
*Steve Callon; support of appellant*
*Chris Wagner; support of appellant*
*Stephen David; support of appellant*
*Mary Winneker; support of appellant*
*Vicky Tucker; support of appellant*
*Tracey Hughes; support of appellant*
*Madeline Camisa; support of appellant*
*Barbara Simpkin; support of appellant*
*Mark Longwood; support of appellant*
*John Brooke; support of appellant*
*Mike Dorf; support of appellant*

*Jean Paul Samaha, Planning Department Representative, reviewed the Planning Department's recommendation for the approval of the application for a conditional use.*

*Paul Albrecht, Attorney for Project Sponsor, Verizon Wireless*
*(Per the Clerk of the Board, the speaker had 47 seconds remaining which were activated once the questions from President Gonzalez were concluded.)*

*Anne Fibush; general comments*
*Bill Hammonds, Engineer for project sponsor*
*Joe Shelton; support of project sponsor*

*Rebuttal:*
*John Brooke; speaker for appellant*

*The President inquired if any other member of the public wished to comment.*

*Public Hearing Closed.*
**HEARD AT PUBLIC HEARING.**

**(Only one of the following two motions should be adopted.)**

**040426** **[Appeal, Conditional Use - 2599 Lombard Street]**

Motion approving decision of the Planning Commission by its Motion No. 16742, approving Conditional Use Application No. 2003.0080C on property located at 2599 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Supervisor Alioto-Pier, seconded by Supervisor Peskin, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

**040427** **[Appeal, Conditional Use - 2599 Lombard Street.]**

Motion disapproving decision of the Planning Commission by its Motion No. 16742, approving Conditional Use Application No. 2003.0080C on property located at 2599 Lombard Street. (Clerk of the Board)

**Motion No.** M04-54

**Supervisor Alioto-Pier, seconded by Supervisor Peskin, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

**040428** **[Findings - 2599 Lombard Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2003.0080C on property located at 2599 Lombard Street, for action by the Board at its next meeting. (Clerk of the Board)

**Motion No.** M04-55

**Supervisor Alioto-Pier, seconded by Supervisor Peskin, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

# ROLL CALL FOR INTRODUCTIONS

# PUBLIC COMMENT

*Abdullah Megaheed; general issues*
*Patricia Vaughey; Presidio Trust issues*
*Vernon Jenkins; general issues*
*Ann Fishbush; homeless issues*
*Marie Jably; support of Adult and Aging services*
*Carl; send elephants to sanctuary*
*Youth Commissioners; Inviting Board of Supervisors to attend Bayview meeting on violence on May 12, 2004*
*Male Youth Commissioner; encourage the Board to attend the youth violence Bayview meeting on violence on May 12, 2004*
*Female Speaker; send elephants to sanctuary*
*Male Speaker; general issues*
*Sal Bussaclacci; Recreation and Park Department issues, diversion of open-space funds*
*Brian O'Flynn; Recreation and Park Department issues, diversion of open-space funds*
*Female speaker; police issues*
*Female Speaker; Zoo issues*
*Male Speaker; support of resolution regarding Zoo issues*

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**040232** **[Proposition 36 Research Study]**
**Supervisors Alioto-Pier, Dufty**

Resolution authorizing the San Francisco Department of Public Health, Treatment Access Program, Community Behavioral Health Services (SFDPH, TAP, CBHS) to enter retroactively into an agreement, which includes an indemnification clause, with The Regents of the University of California, University of California at Los Angeles Integrated Substance Abuse Program (UCLA, ISAP), the primary contractor, and expend funds in the amount of $100,000 to participate in a Proposition 36 research study, for the period of November 1, 2003 to November 1, 2005.

**Resolution No.** 277-04
**ADOPTED**

**040533** **[Public hearing approval for the issuance and sale of revenue bonds by ABAG Finance Authority for Urban School of San Francisco]**
**Supervisor Gonzalez**

Resolution authorizing the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $8,000,000 for the Urban School of San Francisco.

**Resolution No.** 292-04
**ADOPTED**

**040534** **[Funding Levels for Department of Aging and Adult Services]**
**Supervisors Daly, McGoldrick, Sandoval, Dufty, Hall, Ma**

Resolution urging the Mayor to maintain funding levels for services for older adults and adults with disabilities served by and through the Department of Aging and Adult Services.

*Supervisors Hall and Ma requested to be added as co-sponsors.*

**Resolution No.** 305-04
**ADOPTED**

**040545** **[Establishing Accessible Voting Systems for November 2004 Election]**
**Supervisor Alioto-Pier**

Resolution directing the Department of Elections to immediately determine the cost of implementing touch screen voting systems for the disabled for the November 2004 election.

**Resolution No.** 293-04
**ADOPTED**

**040546** **[Commending Elizabeth Goldstein]**
**Supervisors Dufty, Maxwell, Alioto-Pier, Sandoval, Ammiano, Peskin, Daly, McGoldrick, Gonzalez, Hall**

Resolution commending Recreation and Park General Manager Elizabeth Goldstein.

*Supervisor Hall requested to be added as a co-sponsor.*

**Resolution No.** 294-04
**ADOPTED**

**040548** **[Asian American Pacific Islander Month]**
**Supervisors Ma, Dufty, Hall**

Resolution declaring May 2004 "Asian American Pacific Islander Month" in the City and County of San Francisco.

*Supervisor Hall requested to be added as co-sponsor.*

**Resolution No.** 295-04
**ADOPTED**

040549 **[Commending Hands On San Francisco]**
**Supervisors Ma, Dufty, Hall**

Resolution recognizing Hands On San Francisco for its achievements and declaring May 8, 2004 to be "Hands On San Francisco Day" in the City and County of San Francisco.

*Supervisor Hall requested to be added as co-sponsor.*

**Resolution No.** 296-04
**ADOPTED**

040550 **[Urging Support of Federal Funding for Residential Substance Abuse Treatment Services]**
**Supervisors Ma, Dufty, Daly**

Resolution urging the San Francisco Congressional delegation to support federal funding for residential substance abuse treatment services for women with children.

*Supervisor Daly requested to be added as a co-sponsor.*

**Resolution No.** 297-04
**ADOPTED**

040551 **[Residential Substance Abuse Services for Women and Children as a Funding Priority]**
**Supervisors Ma, Dufty**

Resolution urging the City and County of San Francisco to set residential substance abuse services for women and children as a funding priority for the social benefit and cost savings they promote for San Francisco.

**Resolution No.** 306-04
**ADOPTED**

040553 **[Commending the Excelsior Neighborhood Commercial Revitalization project (ENCoRe) and artist Marta Ayala]**
**Supervisor Sandoval**

Resolution commending the Excelsior Neighborhood Commercial Revitalization project (ENCoRe) and artist Marta Ayala for the installation of murals at the Woolworth site at 4550 Mission Street.

**Resolution No.** 298-04
**ADOPTED**

040554 **[Commending Margie Stokes]**
**Supervisors Sandoval, Ammiano, Hall**

Resolution commending Margie Stokes on her decades-long commitment to the child care field, and in celebration of her 70th birthday.

*Supervisor Hall requested to be added as co-sponsor.*

**Resolution No.** 299-04
**ADOPTED**

**040555** **[Commending the Cornerstone Missionary Baptist Church]**
**Supervisors Sandoval, Maxwell**

Resolution commending the Cornerstone Missionary Baptist Church on the occasion of its 4th anniversary.

**Resolution No.** 300-04
**ADOPTED**

**040556** **[Public Works Week]**
**Supervisors Hall, Dufty, Ma**

Resolution declaring May 17 through May 21 2004, as Public Works Week in the City and County of San Francisco.

*Supervisor Ma requested to be added as a co-sponsor.*

**Resolution No.** 301-04
**ADOPTED**

**040402** **[Final Map for a 8 Lot Subdivision - Hanover/20V Watt Avenue]**
Motion approving Final Map of Hanover/Watt, being a subdivision of Lot 1 in Assessor's Block No. 6494, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 174,733; District 11.)

**Motion No.** M04-53
**APPROVED**

**040530** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

**Motion No.** M04-56
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

## Severed From Without Reference to Committee Agenda

*Supervisor Hall requested that this matter be severed so that it might be considered separately.*

**040531** **[Local Vehicle License Fee Restoration]**
**Mayor, Supervisors Peskin, Dufty, Ammiano**

Resolution urging the California State Legislature to pass legislation to allow local governments to obtain voter approval to restore the Vehicle License Fee.

*Supervisor Hall requested that this matter be referred to Committee.*

**REFERRED to the Finance and Audits Committee.**

*Supervisor Dufty requested that this matter be severed so that it might be considered separately.*

**040547** **[Urging the Mayor's Office of Housing to compute and utilize a "SF Median Income" figure]**
**Supervisors Gonzalez, Daly**

Resolution urging the Mayor's Office of Housing to compute a median income figure based exclusively on San Francisco data, rather than on a multi-county figure, and further urging them to utilize the new median figure for all appropriate, locally-funded housing programs.

*Supervisor Dufty requested that this matter be referred to Committee.*
*Supervisor Daly requested to be added as a co-sponsor.*

**REFERRED to the City Services Committee.**

*Supervisor Ma requested that this matter be severed so that it might be considered separately.*

**040552** **[Urging the Transfer and Relocation of the Elephants at the San Francisco Zoo]**
**Supervisors Ma, Dufty**

Resolution urging the San Francisco Zoological Society to transfer ownership of and relocate elephants Lulu and Tinkerbelle to a credible sanctuary and to make the move in compliance with USDA regulations and the American Zoo and Aquarium Association's Elephant Species Survival Plan.

**Supervisor Ma, seconded by Supervisor Dufty, moved that this Resolution be AMENDED. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dulty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

Resolution urging the San Francisco Zoological Society to transfer ownership of and relocate elephants Lulu and Tinkerbelle to a credible sanctuary and to make the move in compliance with USDA regulations and the American Zoo and Aquarium Association's Elephant Species Survival Plan as soon as reasonably possible.

*Supervisor Hall requested that this matter be referred to Committee as amended.*

**REFERRED to the City Services Committee.**

# IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Maxwell, seconded by Supervisor Peskin, moved ADOPTION of the Commendatory Act Finding. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Maxwell, seconded by Supervisor Peskin, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

**040591** **[Recognizing the Women's Building]**
**Supervisors Dufty, Ma**

Resolution recognizing and celebrating the Women's Building's twenty-five years of providing women and girls with vital tools and resources for self-sufficiency.

**Resolution No.** 302-04

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

**040593** **[Commending Dr. Melissa Welch]**
**Supervisor Daly**

Resolution commending Dr. Melissa Welch for her service on the Health Service System of the City and County of San Francisco.

**Resolution No.** 303-04

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**031152** **[Amending Administrative Code Chapter 31 to Provide Appeals of Certain Environmental Determinations]**
**Supervisor Peskin**

Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain determinations under the California Environmental Quality Act, setting forth a fee for such appeals and to provide public notice of certain determinations.

6/24/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/24/2003.

5/11/04, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

5/11/04, ASSIGNED to Finance and Audits Committee.

**032024** **[Designation of Acting Mayors]**
**Supervisor Daly**

Ordinance amending the San Francisco Administrative Code, by adding Section 2A.11, to require the Mayor to inform the Board of Supervisors in writing when leaving the state for more than 24 hours, to require the Mayor to designate Acting Mayors in writing and inform the Clerk of the Board of such designations, to require the Mayor to notify the Clerk of the Board upon returning to the state, to require Acting Mayors to report on any official actions taken, and to require members of the Board to receive training on emergency operations.

12/6/03, RECEIVED AND ASSIGNED to Rules Committee.

5/11/04, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.

5/11/04, ASSIGNED to Rules Committee.

**040343** **[Taxi Legislation]**
**Supervisors Daly, Ma**

Ordinance amending the San Francisco Police Code by: amending Sections 1076 and 1081, to state a test, measured as 800 cumulative hours per year, for satisfying the driving requirement imposed on taxi and ramped taxi permit holders and to authorize modification of that cumulative hours test to accommodate disabled permit holders; amending Sections 1121 and 1148.1, to set requirements, including prior driving experience, for taxi and ramped taxi permit applicants; and, adding Sections 1186, 1187, and 1188, to establish administrative penalties and procedures for violations of the full-time driving requirement and for violations of the Taxi Commission's rules and regulations.

3/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

5/11/04, ASSIGNED to Finance and Audits Committee.

5/11/04, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.

**040586** **[Repealing restrictions on parking, and the corresponding fines, on portions of Washington, Mason and Jackson Streets]**
**Supervisor Peskin**

Ordinance deleting Section 32.1.10 of the Traffic Code to remove restrictions on parking on portions of Washington, Mason and Jackson Streets and to repeal the corresponding penalties for violations.
5/11/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040588** **[Requiring approval by the Board of Supervisors of settlements of grievances in excess of $50,000]**
**Supervisor Sandoval**

Ordinance amending Section 10.25-12 of the Administrative Code to require approval by the Board of Supervisors of settlements in excess of $50,000 of grievances filed pursuant to valid memoranda of understanding.
5/11/04, RECEIVED AND ASSIGNED to Budget Committee.

**040589** **[Amending Building Inspection Fund to remove from the fund fines and penalties collected by the Department of Building Inspection]**
**Supervisors Sandoval, McGoldrick**

Ordinance amending Section 10.100-45 of the San Francisco Administrative Code to remove from the Building Inspection Fund all fines and penalties collected by the Department of Building Inspection.
5/11/04, RECEIVED AND ASSIGNED to Budget Committee.

**040592** **[Payroll Expense Tax Exclusion for Biotechnology Business]**
**Supervisors Alioto-Pier, Ma, Hall**

Ordinance amending the Payroll Expense Tax Ordinance to establish a tax exclusion for biotechnology businesses, as specified.
5/11/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040594** **[Board approval for contracting out personal services]**
**Supervisor Maxwell**

Ordinance amending the San Francisco Administrative Code, by adding Sections 2.15 and 2.16, to require a supplemental report from departments seeking Board approval to contract out personal services under Charter Section 10.104(15) and to require the Controller to prepare an annual report on such contracts.
5/11/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040596** **[Recreation Centers and Museums]**
**Supervisors Daly, Peskin**

Draft ordinance amending Park Code Section 13.02 to require that the Operational Plan for the Recreation and Park Department include detailed operations plans for recreation centers and museums under the Department's jurisdiction, and adding Park Code Section 13.05 to require the Department submit proposed leases, contracts and use permits to the Park, Recreation and Open Space Advisory Committee for determination of consistency with the Operational Plan.
5/11/04, RECEIVED AND ASSIGNED to Land Use Committee.

## Resolutions

**040531** **[Local Vehicle License Fee Restoration]**
**Mayor, Supervisors Peskin, Dufty, Ammiano**

Resolution urging the California State Legislature to pass legislation to allow local governments to obtain voter approval to restore the Vehicle License Fee.

4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

5/11/04, REFERRED to Finance and Audits Committee. Supervisor Hall requested that this matter be referred to Committee.

**040552** **[Urging the Transfer and Relocation of the Elephants at the San Francisco Zoo]**
**Supervisors Ma, Dufty**

Resolution urging the San Francisco Zoological Society to transfer ownership of and relocate elephants Lulu and Tinkerbelle to a credible sanctuary and to make the move in compliance with USDA regulations and the American Zoo and Aquarium Association's Elephant Species Survival Plan as soon as reasonably possible.

4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

5/11/04, AMENDED.

5/11/04, REFERRED to City Services Committee. Supervisor Hall requested that this matter be referred to Committee as amended.

**040547** **[Urging the Mayor's Office of Housing to compute and utilize a "SF Median Income" figure]**
**Supervisors Gonzalez, Daly**

Resolution urging the Mayor's Office of Housing to compute a median income figure based exclusively on San Francisco data, rather than on a multi-county figure, and further urging them to utilize the new median figure for all appropriate, locally-funded housing programs.

4/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

5/11/04, REFERRED to City Services Committee. Supervisor Dufty requested that this matter be referred to Committee.
Supervisor Daly requested to be added as a co-sponsor.

**040582** **[Modification #9 to Lease and Use Agreement No. L-82-0111 with American Airlines, Inc. at Terminal 3 of San Francisco International Airport]**
**Mayor**

Resolution approving and authorizing the execution of Modification # 9 to Lease and Use Agreement No. L-82-0111 with American Airlines, Inc., to reduce terminal space in Terminal 3 of San Francisco International Airport.

5/11/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040583** **[Airport Concession Lease]**
**Mayor**

Resolution approving Amendment No. 1 to the Luggage Cart Lease and Operating Agreement between Smarte Carte, Inc. and the City and County of San Francisco, acting by and through its Airport Commission.
5/11/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040584** **[Assessor-Recorder Fees and Property Tax Assessments]**
**Supervisor Daly**

Ordinance (1) authorizing Assessor to charge a $50.00 fee to process a claim for exemption from property tax reassessment under Revenue and Taxation Code §63.1 if the transfer is between parent-child or grandparent-grandchild and the person recording the deed, instrument or other writing transferring the property or filing a preliminary change of ownership report or change of ownership statement fails to concurrently file a claim form for the exemption; (2) providing that issuance of a tax bill for an escape assessment shall be notice of enrollment of the escape assessment pursuant to Revenue and Taxation Code §1605; and (3) requiring interest on escape assessments if the taxpayer fails to report a change of ownership or control.
5/11/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040587** **[Issuance and sale of revenue bonds by ABAG Finance Authority for YMCA of S.F.]**
**Supervisor Peskin**

Resolution authorizing the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $20,000,000 for the YMCA of San Francisco.
5/11/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040598** **[Neighborhood Historic Resources Preservation Bonds]**
**Supervisors Peskin, McGoldrick, Ammiano, Sandoval**

Resolution determining and declaring that the public interest and necessity demand improvements in the City and County of San Francisco consisting of financing the acquisition, rehabilitation, renovation, improvement, construction or preservation of certain historical resources, and structures benefiting historical resources, owned, or to be owned, by the City and County of San Francisco and/or the San Francisco Unified School District and paying all other costs necessary and convenient for effectuating those purposes, that the estimated cost for the improvements described above is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness of $60,000,000; finding that the proposed project is excluded from the California Environmental Quality Act, and is in conformity with the priority policies of Planning Code Section 101.1(b) and the General Plan consistency requirement of Administrative Code Section 2A.53.
5/11/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040602** **[Accept-Expend Robert Wood Johnson Foundation Grant]**
**Supervisor Hall**

Resolution authorizing the Department of Aging and Adult Services to retroactively accept and expend the FY 2003-04 portion, amounting to $112,869, of a four-year grant from the Robert Wood Johnson Foundation for the implementation of strategic system improvements to create a coordinated model of long term care and supportive services for vulnerable older adults in San Francisco.
5/11/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040605** **[Commodity Supplemental Food Program]**
**Supervisors Dufty, Daly, Ma, Ammiano, Maxwell**

Resolution urging the Mayor, the California Department of Education and the United States Department of Agriculture to allocate funding to allow the Commodity Supplemental Food Program to remain in San Francisco.
5/11/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040606** **[Commending Wai Sim Cham]**
**Supervisor Dufty**

Resolution commending Wai Sim Cham upon her retirement with the closure of China Court Restaurant after eighteen successful years serving the Castro community.
5/11/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040607** **[Opposing Sutter Health Hospitals pricing and collection practices]**
**Supervisors Alioto-Pier, Maxwell, Ammiano, Daly, Peskin, Sandoval, Gonzalez**

Resolution opposing discriminatory pricing practices and aggressive debt collection at Sutter Health Hospitals.
5/11/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040608** **[Bill Walsh Way]**
**Supervisors Dufty, Maxwell, Hall**

Resolution urging the Department of Public Works to honor Bill Walsh by renaming Giants Drive "Bill Walsh Way".
5/11/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040609** **[Accept and expend gift-in-place valued at approximately $20,000]**
**Supervisors Ma, Hall**

Resolution accepting and expending a gift-in-place valued at approximately $20,000 from Ms. Elley Shannon to the Recreation and Park Department for the improvement of a baseball diamond.
5/11/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040610** **[Apply For State Used Oil Recycling Block Grant]**
**Supervisor Ma**

Resolution authorizing the Department of the Environment to apply for annual grants from the California Integrated Waste Management Board for the purpose of increasing Used Motor Oil Recycling and Household Hazardous Waste Management.
5/11/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040611** **[Commending the Hawai' i Chamber of Commerce of Northern California]**
**Supervisor Ma**

Resolution commending the Hawai'i Chamber of Commerce of Northern California.
5/11/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040612** **[Commending the Northern California Chinese Media Association]**
**Supervisor Ma**

Resolution commending the Northern California Chinese Media Association.
5/11/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040613** **[Commending James Taylor]**
**Supervisor Maxwell**

Resolution commending James Taylor for his dedication and exemplary service to the community, its schools, and its students.
5/11/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040614** **[Commending Pastor Victor L. Medearis]**
**Supervisor Maxwell**

Resolution commending Pastor Victor L. Medearis for his dedication and exemplary service to the community.
5/11/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Charter Amendments

040597 **[Charter Amendment - Board deadlines during recess; votes needed when Board members are disqualified; hold-over appointments; Department of Aging and Adult Services; Commission on the Environment; legislative aides; Board of Education compensation]**
**Supervisor Gonzalez**

Charter amendment (First Draft) by adding Section 4.101-1, to: toll deadlines for action by the Board when the Board is in recess; reduce the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest; limit hold-over appointments on boards and commissions to 60 days; give the Commission on Aging authority over the Department of Aging and Adult Services; clarify the authority of the Commission on the Environment to consider environmental justice issues and to review City building and land use policies for environmental sustainability; and, delete the specific number of Board aides set in the Charter.
5/11/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/10/2004. 5/21/04: Referred to Controller; Mayor; City Attorney; Ethics Commission; City Administrator; Director Administrative Services; Planning EIR Officer; Clerk of the Board; Department of Aging and Adult Services; Commission on the Environment; Department of the Environment; Clerk of the Board; Budget Analyst's Office.

## Hearings

040590 **[Housing Element]**
**Supervisor Hall**

Hearing at which the Planning Department will present a status report on the Housing Element and allow for public comment on the report.
5/11/04, RECEIVED AND ASSIGNED to Land Use Committee.

040599 **[Summer Employment]**
**Supervisor Ma**

Hearing to investigate youth interests and opportunities for summer employment working collaboratively with the Youth Commission and the San Francisco Unified School District.
5/11/04, RECEIVED AND ASSIGNED to City Services Committee.

040600 **[San Francisco's Earthquake Risk]**
**Supervisor Ma**

Hearing to review "San Francisco's Earthquake Risk," a study done for the city Department of Building Inspection by the Applied Technology Council of Redwood City and to discuss seismic retrofitting to existing buildings in vulnerable areas to strengthen residences against seismic movement.
5/11/04, RECEIVED AND ASSIGNED to City Services Committee.

040601 **[DPH budget reduction proposals]**
**Supervisor Sandoval**

Hearing on the budget reduction proposals of the Department of Public Health for fiscal year 2004-05.
5/11/04, RECEIVED AND ASSIGNED to Budget Committee.

040603 **[Emergency Room Diversion Task Force]**
**Supervisor Sandoval**

Hearing requesting to receive report from the Emergency Room Diversion Task Force.
5/11/04, RECEIVED AND ASSIGNED to Budget Committee.

040604 **[Dearborn Community Garden - its Status and Future]**
**Supervisor Dufty**

Hearing to consider the status and future of the Dearborn Community Garden in the Mission District.
5/11/04, RECEIVED AND ASSIGNED to City Services Committee.

## Motions

040585 **[Commissioners volunteering to resign if they seek elective office]**
**Supervisor Dufty**

Motion adding Rule 2.32 to the Rules of Order of the Board of Supervisors, requesting that Commissioners appointed by the Board pledge to resign their position, voluntarily, if they decide to seek an elective office of the City and County of San Francisco.
5/11/04, RECEIVED AND ASSIGNED to Rules Committee.

040595 **[Amending No. 2.24 of the Rules of Order]**
**Supervisor Daly**

Motion amending the Board of Supervisors' Rules of Order, by amending Rule No. 2.24, to require the Clerk of the Board to automatically refer to the Rules Committee any board or commission appointment subject to rejection by the Board pursuant to Charter Section 3.100(17), when that appointment is made by an Acting Mayor.
5/11/04, RECEIVED AND ASSIGNED to Rules Committee.

040615 **[Authorizing lease payment for computer equipment to be used by Budget Analyst]**
**Supervisor Peskin**

Motion authorizing the Clerk of the Board to make three annual lease payments in the amount of $6,973.29, and to make a one-time payment in fiscal year 03-04 for sales tax of $1,748.93, for the lease of computer equipment to be used by the Budget Analyst; and authorizing the Clerk of the Board to deduct $22,324.60 from payment of the amount owed the Budget Analyst under the contract between the Board of Supervisors and the Budget Analyst.
5/11/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Introduced by the President at the Request of Departments

# PROPOSED ORDINANCES

**040442** **[Designating 1305 18th Avenue, the Carnegie Sunset Library, as a Landmark Under Planning Code Article 10]**
**Supervisors Peskin, McGoldrick, Maxwell**

Ordinance 1305 18th Avenue, the Carnegie Sunset Branch Library as Landmark No. 239 Pursuant To Article 10, Sections 1004 And 1004.4 Of The Planning Code. (Planning Department)

05-17-04 - Supervisors McGoldrick, Maxwell and Peskin requested to be added as co-sponsors.
4/21/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040450** **[Designating 3150 Sacramento Street, the Carnegie Presidio Library, as a Landmark Under Planning Code Article 10]**
**Supervisors Peskin, McGoldrick, Maxwell, Alioto-Pier**

Ordinance 3150 Sacramento Street, the Carnegie Presidio Branch Library as Landmark No. 240 Pursuant To Article 10, Sections 1004 And 1004.4 Of The Planning Code. (Planning Department)

05-17-04 - Supervisors McGoldrick, Maxwell and Peskin requested to be added as co-sponsors.
4/21/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040494** **[Settlement of Lawsuit - Novoa-Huf, et al.]**
Ordinance authorizing the settlement of lawsuit filed by Linda Novoa-Huf, Ayanda Lumpkin and LaKreisha Crawford against the San Francisco Department of Building Inspection, Michael Rodman, and McCoy's Patrol Services for $175,000; the lawsuit was filed on December 3, 2002, in San Francisco Superior Court, Case No. 415266, entitled Novoa-Huf, et al. v. Department of Building Inspection, et al. (City Attorney)
4/26/04, RECEIVED AND ASSIGNED to Rules Committee.

**040572** **[Settlement of Lawsuit - Doug Barkus]**
Ordinance authorizing settlement of the lawsuit filed by Doug Barkus against the City and County of San Francisco for $57,500; the lawsuit was filed on March 4, 2003 in San Francisco Superior Court, Case No. 502-539; entitled Doug Barkus v. City and County of San Francisco, et al. (City Attorney)
5/3/04, RECEIVED AND ASSIGNED to Rules Committee.

**040573** **[Settlement of Lawsuits]**
Ordinance authorizing settlement of federal and state lawsuits and administrative proceedings between the City and County of San Francisco and Tammy Haygood filed in connection with her employment and removal as Director of the Department of Elections including a lawsuit filed on July 17, 2002 in Superior Court, State of California, Case No. CPF 02-501387, entitled City and County of San Francisco, Petitioner v. Civil Service Commission of the City and County of San Francisco, Respondent, Tammy B. Haygood, Real Party in Interest, and a lawsuit filed on July 17, 2002 in United States District Court, Case No. C02-3433 WHA, entitled Tammy B. Haygood v. Michael Mendelson, et al., and authorizing payment of attorneys fees and costs incurred by the City. The material terms of the settlement are Haygood will dismiss with prejudice all claims against San Francisco in these lawsuits and all complaints filed with the California Department of Fair Employment and Housing, the Department of Labor and any other administrative action, and Haygood will reimburse the City for payments of certain wages and benefits if she returns to City employment on or before January 17, 2007. (City Attorney)
5/3/04, RECEIVED AND ASSIGNED to Rules Committee.

# PROPOSED RESOLUTIONS

**040433** **[Report of assessment costs for sidewalk and curb repairs - DPW Order No. 174,747]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund, and amending Public Works Order No. 174,311 by deleting the assessed cost of sidewalk repairs at 449 Frederick Street. (Public Works Department)

(DPW Work Order No. 174,747; Locations: 873 Alvarado Street; 850 Geary Street; 162-164 Langton Street; 168 Langton Street; 170-10th Street; and 3356/3360-24th Street.)

4/22/04, SCHEDULED FOR PUBLIC HEARING. Scheduled for July 13, 2004, at 3:00 p.m.

**040434** **[Settlement of Claim - State Farm Insurance Company as Subrogee for Ginny Pizzardi]**

Resolution approving the settlement of the unlitigated claim filed by State Farm Insurance Company as Subrogee for Ginny Pizzardi against San Francisco for $27,904.60; Claim No. 04-01488 was filed on November 25, 2003. (City Attorney)

4/26/04, RECEIVED AND ASSIGNED to Rules Committee.

**040484** **[Evaluate a mobile intervention to a late night population of men who have sex with men to reduce their risk of HIV/STD and substance use harm]**

**Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health, AIDS Office, (SFDPH, AIDS) to accept retroactively and expend a grant in the amount of $106,788 from the Regents of the University of California San Francisco, Universitywide AIDS Research Program (UCSF,UARP) to evaluate a mobile intervention to a late night population of men who have sex with men to reduce their risk of HIV/STD and substance use harm and to enter into an agreement for the use of these funds; for the period of February 1, 2004 to July 31, 2005. (Public Health Department)

4/27/04, RECEIVED AND ASSIGNED to City Services Committee.

5/3/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

**040507** **[Drug court partnership program for non-violent drug offenders]**

**Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a grant in the amount of $425,175 from the California Department of Health Services (CDHS) to provide drug court partnership funds and to enter into an agreement for the use of these funds; for the period of July 1, 2003, to June 30, 2004. (Public Works Department)

4/27/04, RECEIVED AND ASSIGNED to City Services Committee.

5/3/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

**040569** **[Outreach Advertising]**

Resolution designating El Latino to be the outreach newspaper of the City and County of San Francisco for the Hispanic community; Asian Week to be the outreach newspaper of the City and County of San Francisco for the Chinese community; and, the San Francisco Bay View to be the outreach newspaper of the City and County of San Francisco for the African American community, to provide outreach advertising services for the fiscal year commencing July 1, 2004 and ending June 30, 2005. (Purchaser)

4/27/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040570** **[Contracting Ont Janitorial Services, Department of Parking and Traffic, FY 03-04]**

Resolution concurring with the Controller's certification that janitorial services can be practically performed by private contractor for lower cost than similar services performed by City and County employees for Fiscal Year 2003-2004. (Parking and Traffic Department)

4/29/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040571** **[Contracting Out Janitorial Services, Department of Parking and Traffic, FY 04-05]**

Resolution concurring with the Controller's certification that janitorial services can be practically performed by private contractor for lower cost than similar services performed by City and County employees for Fiscal Year 2004-2005. (Parking and Traffic Department)

4/29/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040575** **[IHSS Contract Approval - IHSS Consortium of San Francisco]**

Resolution approving the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from July 1, 2004 to June 30, 2005, in the amount of $16,085,136. (Human Services Department)

5/5/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

## Requests Granted

*From: Supervisor Peskin*
*To: Director, Department of Public Health*
*Requesting/Inquiring: What were the terms of negotiations which took place prior to the sick-out by the Radiologic Technology staff at San Francisco General Hospital on April 30, 2004?*
*What is the current status of the radiologic technologists staffing shortage in the Radiology Department?*
*What is the current salary of radiologic technologists compared to Bay Area Hospitals?*
*What are the current terms of negotiations with radiologic technology staff at San Francisco General Hospital?*

*From: Supervisor McGoldrick*
*To: City Attorney*
*Requesting/Inquiring: To draft an ordinance to establish a golf club rate for golf play on CCSF golf courses, and to define what constitutes a golf club for purposes of the ordinance.*

*From: Supervisor Maxwell*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation (1) declaring maximum protection of neighborhoods from parking and traffic impacts from events at Candlestick Park as official city policy and (2) re-establishing the Candlestick Park Transportation Task Force.*

*From: Supervisor Maxwell*
*To: City Attorney*
*Requesting/Inquiring: Requesting report from the City Attorney's Office that details the following information for the most recent three-year period for which information is available, sorted by city department:*
*1. The number of claims filed, and the nature of these claims.*
*2. The number of claims settled, the nature of these claims, and the dollar amount paid by the city for each claim.*
*Supervisor Maxwell requests that this report is submitted to the Board of Supervisors by June 15, 2004.*

*From: Supervisor Maxwell*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: To conduct an investigation of the feasibility to install traffic signals or stop signs at the intersection of Leland Avenue and Cora Street. There are many day care centers around the Visitaction Valley Playground at this intersection; it is a hazard for pedestrians. Officer James Richards of the Ingleside Station (424-5452) is a foot patrol officer for this area and he has witnessed, on many occasions, cars speeding across Leland Avenue and down Cora Street.*
*Supervisor Maxwell requests that this report is provided to her office by July 2, 2004.*

*From: Supervisor Maxwell*
*To: Chief, Police Department*
*Requesting/Inquiring: Requesting a report on the use of California Highway Patrol for a three-day enforcement operation in San Francisco's Southeast neighborhoods.*
*Please include the following in the report:*
*1. How the decision was made to undertake the enforcement operation, including who within the City (Mayor, Board of Supervisors, Police Commission) was notified as well as who in the public was notified.*
*2. The number of cars stopped by the Highway Patrol.*
*3. The number of citations and arrests made by the Highway Patrol, and for what violations.*
*4. The number of persons issued citations or arrested who have a record of violent crimes.*
*5. The number of persons issued citations or arrested who are suspects in homicide cases.*
*6. The criteria by which the operation will be evaluated by the Police Department.*
*7. The decision-making process by which the department will decide whether or not to proceed with a similar operation in the future.*
*Supervisor Maxwell requests that this report is submitted to the Board of Supervisors by June 1, 2004.*

*From: Supervisor Hall*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation that makes it easier for low to middle income earners, the elderly, and the disabled to be able to purchase their own unit within their apartment, and at the same time assure those who do not purchase their unit, to be granted a lifetime lease, and to make sure that they continue to receive the same protections under rent control.*

*From: Supervisor Ma*
*To: General Manager, Recreation and Park Department*
*Requesting/Inquiring: To explain the department's policy on the posting and removal of documents not authored by department staff on the department's website.*

## In Memoriams

*Allen Cohen (Supervisor Gonzalez)*
*Ray Bass (Supervisors Dufty, Daly)*
*Thom Gunn (Supervisors Dufty, Gonzalez)*
*Mr. "Daddy" Allan H. Selby (Supervisor Dufty)*
*Chrysanthy "Soula" Leones (Supervisors Sandoval, Ma)*
*Kenneth Gilmore (Supervisor Peskin)*
*Charles "Chuck" Crayton (Supervisors Dufty, Maxwell, Ma)*
*Hilda Williams (Supervisors Gonzalez, Daly)*
*Patrick P. Maes (Supervisor Dufty)*
*Aronold Stirewalt Gridley (Supervisor Ma)*
*Monsignor Thomas Merson (Entire Board)*
*Marguerite Ann Costello (Supervisors Dufty, Ammiano, Ma)*
*Cammrin Boyd (Supervisor Daly)*
*Max Besler (Supervisor Daly)*
*Thomas Layne (Supervisor Maxwell)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 8:02 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on June 15, 2004.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.

AUG - 6 2004

SAN FRANCISCO
PUBLIC LIBRARY

**Tuesday, May 18, 2004 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

*MATT GONZALEZ, PRESIDENT*
*MICHIELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,*
*BEVAN DUFTY, TONY HALL, FIONA MA, SOPHIE MAXWELL,*
*JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL*
*Gloria L. Young, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Sandoval, Daly, McGoldrick | 2nd, 3rd, 4th Thursday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Hiles, Wynns | 2nd Monday (Bi-Monthly)<br>4:00 PM |
| **City Services Committee**<br>Supervisors Dufty, Ma, Hall | Thursday<br>9:30 AM |
| **Finance and Audits Committee**<br>Supervisors Daly, Peskin, Ammiano | Wednesday<br>1:00 PM |
| **Land Use Committee**<br>Supervisors McGoldrick, Peskin, Maxwell | Monday<br>1.00 PM |
| **Rules Committee**<br>Supervisors Maxwell, Alioto-Pier, Gonzalez | Wednesday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

**Members Present:** Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

# ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:06 p.m. On the call of the roll Supervisors Alioto-Pier and Ammiano were noted absent.*

*Supervisor Ammiano was noted present at 2:15 p.m.*
*Supervisor Alioto-Pier was noted present at 2:20 p.m.*
*Quorum present.*

# AGENDA CHANGES

# CONSENT AGENDA

## Recommendation of the Budget Committee

**040451** **[City Hiring Freeze]**
**Supervisors Sandoval, Hall**

Ordinance prohibiting the City from filling new or vacant positions except for enterprise or non-General Fund departments or where the Mayor determines that certain exceptions apply, and setting an expiration date.

**Ordinance No.** 95-04
**FINALLY PASSED**

## Recommendations of the Finance and Audits Committee

**040236** **[Community Choice Aggregation Program]**
**Supervisors Ammiano, Maxwell, Gonzalez, Peskin, Daly, McGoldrick**

Ordinance establishing a Community Choice Aggregation Program in accordance with California Public Utilities Code Sections 218.3, 331.1, 366, 366.2, 381.1, 394, and 394.25, allowing San Francisco to aggregate the electrical load of electricity consumers within San Francisco and to accelerate the introduction of renewable energy, conservation and energy efficiency into San Francisco's portfolio of energy resources.

**Ordinance No.** 86-04
**FINALLY PASSED**

040352 **[Lease of Real Property - 1060 Howard Street]**
**Supervisors Daly, Peskin**

Resolution authorizing the lease of 4,592 sq. ft. of clinic space in the building located at 1060 Howard Street, San Francisco for the Department of Public Health. (Real Estate Department)

(Fiscal impact.)

**Resolution No.** 310-04
**ADOPTED by the following vote:**
Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Alioto-Pier, Ammiano

040430 **[Contracting out Parking Citation Processing/Collection System Services]**
Resolution concurring with Controller's certification that citation processing and collection services can be practically performed by a private contractor at a lower cost than by City and County employees. (Parking and Traffic Department)

**Resolution No.** 314-04
**ADOPTED**

## Recommendations of the Land Use Committee

030679 **[Resource Efficiency Requirements and Green Building Standards]**
**Supervisors Ammiano, Maxwell, Peskin, Daly**

Ordinance repealing Chapter 7 of the Environment Code, Resource Efficiency Requirements, and adding a new Chapter 7 to the Environment Code to adopt and incorporate new provisions for green building design principles for City construction projects and to reconfigure the existing Resource Efficiency Building Task Force.

**Ordinance No.** 88-04
**FINALLY PASSED**

040315 **[Designating 2362 Market Street, the Jose Theater / Names Project building, as a Landmark Under Planning Code Article 10]**
**Supervisors Dufty, Maxwell, Peskin**

Ordinance designating 2362 Market Street, the Jose Theater / Names Project Building, as Landmark No. 241 Pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

**Ordinance No.** 92-04
**FINALLY PASSED**

040443 **[Designating 2550 Mission Street, the New Mission Theater, as a Landmark]**
**Supervisors Ammiano, Maxwell, Peskin, Daly**

Ordinance designating 2550 Mission Street, the New Mission Theater, as Landmark No. 245.

**Ordinance No.** 87-04
**FINALLY PASSED**

## Recommendations of the Rules Committee

**020585** **[Establishing a Library Citizens Advisory Committee]**
**Supervisor Daly**

Ordinance amending Chapter 5 of the San Francisco Administrative Code by adding Article 25, Section 5.250, to establish the Library Citizens Advisory Committee as an advisory committee to the Board of Supervisors.

**Ordinance No.** 94-04
**FINALLY PASSED**

**040299** **[Settlement of Lawsuit - Laurie, Adam, Jeremy and Caleb Peretz]**
Ordinance authorizing settlement of the lawsuit filed by Laurie, Adam, Jeremy and Caleb Peretz against the City and County of San Francisco for $82,500.00; the lawsuit was filed on December 24, 2002 in San Francisco Superior Court, Case No. 416086; entitled Peretz, et al., v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 90-04
**FINALLY PASSED**

**040300** **[Settlement of Lawsuit - Anthony Bell]**
Ordinance authorizing settlement of the lawsuit filed by Anthony Bell against the City and County of San Francisco for $75,000; the lawsuit was filed on December 23, 2002 in San Francisco Superior Court, Case No. 416-036; entitled Anthony Bell, et al., v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 91-04
**FINALLY PASSED**

**040393** **[Settlement of Lawsuit - 555 California Street Partners, et al.]**
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against 555 California Street Partners, a California limited partnership, Davre's Inc., Factory Mutual Insurance Company, Excel Building Services, LLC and National Guardian Enterprises, Inc., for $34,200; the lawsuit was filed on August 20, 2003 in the Superior Court of the County of San Francisco, Case No. 423627; entitled City and County of San Francisco v. 555 California Street Partners, a California limited partnership, Davre's Inc., Factory Mutual Insurance Company, Excel Building Services, LLC and National Guardian Enterprises, Inc., et al. (City Attorney)

**PASSED, ON FIRST READING**

**040356** **[Appointment - Immigrant Rights Commission]**
Resolution appointing Zina Spektor, term ending June 6, 2005, to the Immigrant Rights Commission.

Zina Spektor, succeeding Juan Berumen, term expired, seat 11, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2005.

**Resolution No.** 311-04
**ADOPTED**

**040446** **[Confirming the appointment of Peter Mezey to the Municipal Transportation Agency Board of Directors]**

**Mayor**

Resolution confirming the appointment of Peter Mezey to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2008.

**Resolution No.** 315-04

**ADOPTED**

**040580** **[Appointment - Lead Hazard Reduction Citizens Advisory Committee]**

Resolution appointing James Hutchinson, term ending December 31, 2006, to the Lead Hazard Reduction Citizens Advisory Committee; residency requirement waived.

James Hutchinson (residency requirement waived), succeeding himself, term expired, Seat No. 2, must represent the Bureau of Bldg. Inspection, DPW or designee, for the unexpired portion of a three-year term ending December 31, 2006.

**Resolution No.** 316-04

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Alioto-Pier, Ammiano

## Severed from Consent Agenda

*Supervisor McGoldrick requested that this matter be severed so that it could be considered separately.*

**040431** **[Contracting out Parking Meter Management System Services]**

Resolution concurring with Controller's certification that parking meter management services, including collection and coin counting can be practically performed by a private contractor at a lower cost than by City and County employees. (Parking and Traffic Department)

**ADOPTED by the following vote:**

Ayes: 6 - Daly, Dufty, Hall, Ma, Maxwell, Peskin
Noes: 3 - Gonzalez, McGoldrick, Sandoval
Absent: 2 - Alioto-Pier, Ammiano

*Supervisor Daly, seconded by Supervisor McGoldrick, moved to rescind the previous vote.*

*Motion to rescind the previous vote carried without objection.*

**NOT ADOPTED by the following vote:**

Ayes: 5 - Alioto-Pier, Dufty, Hall, Ma, Maxwell
Noes: 6 - Ammiano, Daly, Gonzalez, McGoldrick, Peskin, Sandoval

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendations of the Finance and Audits Committee

**031839** **[Sidewalk Parking Fine Increase]**
**Supervisor Daly**

Ordinance amending Article 7, Section 132 of the San Francisco Traffic Code, to increase the fine for sidewalk parking from $75.00 to $100.00 as of July 1, 2004, in accordance with Resolution No. 648-01, adopted August 17, 2001; to update the fine for stopping on a freeway because of the repeal of Vehicle Code Section 25220 and enactment of Vehicle Code Section 21718; and to make various editorial changes to clarify the Penalty Schedule. (Parking and Traffic Department)

**PASSED ON FIRST READING by the following vote:**
Ayes: 6 - Alioto-Pier, Ammiano, Daly, Gonzalez, Maxwell, Peskin
Noes: 5 - Dufty, Hall, Ma, McGoldrick, Sandoval

**040537** **[Surplus City Property]**
**Supervisor Daly**

Ordinance amending the San Francisco Administrative Code by amending Sections 23A.4, 23A.6, 23A.7, 23A.8, 23A.10, and 23A.11, and adding Section 23A.9, to specify procedures for identification of surplus City real property, assessment of the use of such property for housing for the homeless, and approvals for disposition and development of appropriate surplus real property and to establish a Citizens' Advisory Committee.

**Ordinance No.** 93-04
**FINALLY PASSED by the following vote:**
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Hall, Ma

**040538** **[Interdepartmental Jurisdictional Transfer of Surplus Property]**
**Supervisor Daly**

Ordinance transferring jurisdiction from the Department of Public Works, the Department of Human Services, and the Real Estate Division of the Administrative Services Department to the Mayor's Office of Housing over the real property commonly known as Ordinance transferring jurisdiction from the Department of Public Works, the Department of Human Services, and the Real Estate Division of the Administrative Services Department to the Mayor's Office of Housing over the real property commonly known as 301 Wilde; 395 Justin Drive; 1051 Palou; 341 Corbett; 114 Elmira; 949 Vermont Street; 150-170 Otis Street; 100 Broadway Street; 735 Battery Street; and 155 Grove Street and over the real property located near the intersections; Geneva and Ocean Avenues; Junipero Serra and Shields Street; San Jose and Cuvier Street; Roosevelt Way at Henry Street; Lawton and 20th Avenue; for assessment of each property for development as affordable housing consistent with Chapter 23A of the Administrative Code.

**Ordinance No.** 96-04
**FINALLY PASSED by the following vote:**
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Hall, Ma

**040362** **[To appropriate funding to Modification No.12 to Contract No.309 with ANSALDOBREDA (Breda), and related consultant and administrative costs for the Municipal Transportation Agency]**
**Mayor**

Ordinance appropriating $12,274,340 of fund balance to fund Modification No. 12 to Contract No. 309 with ANSALDOBREDA (Breda) and for related consultant and administrative costs as part of the Muni Light Rail Vehicles (LRV) Procurement Program. Funding is provided from proceeds of a recently completed Breda lease-lease back transaction. The MTA adopted Resolution No. 04-016 approving a spending plan for Muni's Breda LRV modification program, with an emphasis on operational and passenger safety security enhancements for fiscal year 2003-04.

(Fiscal impact.)

*Supervisor Sandoval, seconded by Supervisor Ammiano, moved to refer this matter to the Budget Committee. Motion to refer this matter to the Budget Committee failed by the following vote:*
*Ayes: 4 - Daly, Gonzalez, McGoldrick, Sandoval*
*Noes: 7 - Alioto-Pier, Ammiano, Dufty, Hall, Ma, Maxwell, Peskin*

**PASSED ON FIRST READING by the following vote:**
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin
Noes: 2 - Gonzalez, Sandoval

**040364** **[Municipal Transportation Agency Contract No. CS-103 with Booz Allen & Hamilton Inc.]**
**Mayor**

Resolution authorizing the Municipal Transportation Agency to enter into Amendment No. 4 to Municipal Railway Contract No. CS-103 with Booz Allen & Hamilton Inc., for further engineering services through closeout of MUNI's Light Rail Replacement Program, for (1) further consulting services through closeout of MUNI's light rail vehicle replacement program, (2) a contract increase not to exceed $1,500,978, for a total contract amount not to exceed $17,223,332; and (3) a contract extension through December 31, 2007.

(Fiscal impact.)

**Resolution No.** 312-04

**ADOPTED by the following vote:**
Ayes: 8 - Alioto-Pier, Daly, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin
Noes: 3 - Ammiano, Gonzalez, Sandoval

**040384** **[Municipal Transportation Agency Contract Modification No. 12 with ANSALDOBREDA S.p.a]**
**Mayor**

Resolution authorizing the Municipal Transportation Agency to enter into Contract Modification No. 12 with ANSALDOBREDA S.p.a for (1) completion of the video surveillance retrofit on 87 light rail vehicles; (2) design, testing and installation of an emergency brake acceleration limiting device on 151 vehicles; (3) overhaul of the brake system on 23 vehicles, plus two options for up to 30 additional vehicles each; (4) funding for spare parts and repair of damaged vehicles; and (5) modification of the delivery schedule, payment schedule, warranty provisions, and other terms and conditions of the contract to address the new work; all in an amount not to exceed $9,148,576, and for a total contract amount not to exceed $407,155,455.

(Fiscal impact.)

**Resolution No.** 313-04

**ADOPTED by the following vote:**
Ayes: 8 - Alioto-Pier, Daly, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin
Noes: 3 - Ammiano, Gonzalez, Sandoval

## Recommendation of the Land Use Committee

**031463** **[Zoning - Large-scale Retail Use]**
**Supervisors Ammiano, Dufty, Gonzalez, McGoldrick, Daly**

Ordinance amending the Planning Code to add section 121.6 to impose a conditional use requirement for large-scale retail uses in excess of 50,000 gross square feet outside of the C-3 zoning districts and in excess of 90,000 gross square feet within the C-3 zones, to prohibit such uses if they are in excess of 120,000 gross square feet in any zone other than the C-3 zones, and to prohibit specified large-scale retail uses in excess of 120,000 gross square feet in the C-3 zones; amending Planning Code section 303 to add findings for the abovementioned uses concerning active street frontage patterns, mixed-use building opportunities, and other criteria set forth herein; making findings of consistency with the General Plan and Planning Code section 101.1(b); and exempting from this legislation those uses for which the City received a site permit application prior to July 15, 2003.

Supervisor Maxwell dissenting in committee.

**Ordinance No.** 89-04
**FINALLY PASSED by the following vote:**
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, McGoldrick, Peskin, Sandoval
Noes: 2 - Hall, Maxwell

# NEW BUSINESS

## Recommendation of the Rules Committee

**040146** **[Determination of Fiscal Feasibility of Proposed Project]**
**Supervisors Peskin, Ma**

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 28 to require Board of Supervisors review of a proposed project meeting certain criteria and a determination that the proposed project is fiscally responsible and feasible before undertaking environmental review of the proposed project.

**Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**PASSED ON FIRST READING AS AMENDED by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## Recommendations of the Finance and Audits Committee

031991 **[Work Practices for Lead-Based Paint and Fees For Implementation of Work Practices Program Provisions Regarding Interiors]**
**Supervisors Peskin, Maxwell, Daly, Gonzalez**

Ordinance amending Section 3407 et seq., Section 110 Table 1-A and Section 110 Table 1-P of the San Francisco Building Code to regulate work that disturbs or removes lead-based paint in the interior of pre-1979 buildings that are in Group E3, R1 or R3 occupancy classification, as well as, the exterior of pre-1979 buildings and all steel structures; amend prohibited practices; establish performance standards for work that disturbs or removes lead-based paint in the interior and exterior of such buildings and steel structure; conform the process for assessing administrative penalties with that for the issuance of an Order of Abatement, to provide a surcharge fee for alteration permits sought for buildings classified as R3 and E3 that were constructed prior to 1979 to implement the lead interior safe work practices provisions of Section 3407 et seq., to provide a surcharge license fee for apartment houses and hotels constructed prior to 1979, other than those operating only as tourist hotels, to implement the lead interior safe work practices provisions of Section 3407 et seq., and to make findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code.

**PASSED ON FIRST READING by the following vote:**
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Hall

031992 **[Relocation of Persons Affected by Lead Hazards]**
**Supervisors Peskin, Maxwell, Daly, Gonzalez**

Ordinance amending Section 596 of the San Francisco Health Code and Sections 37.3, 37.9, 72.1 to 72.3, inclusive, and 72.5 of the San Francisco Administrative Code providing for orders to vacate and notices to pay relocation benefits, providing for a hearing process under Article 11 of the Health Code if a notice to pay relocation benefits is not complied with, disallowing passthroughs to tenants of the costs of lead remediation performed in accordance with Article 11 of the Health Code when lead hazards remedied are a result of deferred maintenance; authorizing landlords to temporarily recover possession of a unit for the purposes of performing lead remediation as required by the Department in accordance with Article 11 of the Health Code but only for the minimum time required to perform the remediation; increasing relocation payments required under Chapter 72 and indexing those relocation payments to the Consumer Price Index as of July 1, 2004; and providing an alternative to making relocation payments if a comparable dwelling unit is made available.

**PASSED ON FIRST READING by the following vote:**
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Hall

040301 **[Approval of taxicab color scheme transfers]**
Ordinance amending the San Francisco Police Code, by amending Section 1125 to provide that the Taxi Commission may consider the effect on the public interest, including the impact on paratransit service, when a permit holder seeks to associate with a color scheme or to transfer the permit to another color scheme. (Taxi Commission)

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

040302 **[Requiring that applicants for a ramped taxi permit have completed at least 100 wheelchair pick-ups during the six months immediately preceding the Taxi Commission's hearing on the application]**

Ordinance amending the San Francisco Police Code, by amending Section 1148.1, to require that applicants for a ramped taxi permit have completed at least 100 wheelchair pick-ups during the six months immediately preceding the Taxi Commission's hearing on the application. (Taxi Commission)

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

040536 **[Audit Priorities]**

**Supervisor Daly**

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

**Motion No.** M04-57

**APPROVED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## From the Finance and Audits Committee Without Recommendation

040229 **[Contracting out laundry services at S.F. General Hospital]**

Resolution concurring with the Controller's certification that the laundry services can be performed for the Department of Public Health, San Francisco General Hospital by a private contractor for a lower cost than similar work performed by City and County employees. (Public Health Department)

*Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to continue this matter to the Board Meeting of June 8, 2004.*

*Motion to continue this matter failed by the following vote:*
*Ayes: 4 - Alioto-Pier, Dufty, Hall, Maxwell*
*Noes: 7 - Ammiano, Daly, Gonzalez, Ma, McGoldrick, Peskin, Sandoval*

**NOT ADOPTED by the following vote:**

Ayes: 3 - Alioto-Pier, Dufty, Hall
Noes: 8 - Ammiano, Daly, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

# SPECIAL ORDER 3:30 P.M - Recognition of Commendations

## Privilege of the Floor

**Supervisor Ma, seconded by Supervisor Peskin, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

*Supervisor Ma welcomed, introduced, and presented a Certificate of Honor to Samuel T. Mok, founding member of FAPAC and Vernon Parker, Assistant Secretary of Civil Rights, in recognition of Federal Asian Pacific American Council's 19th Annual National Leadership Training Conference.*

*Supervisor Hall welcomed, introduced, and presented a Certificate of Honor to Members of the Department of Public Works in recognition o Public Works Week.*

*Supervisor Peskin welcomed and introduced and presented a commendation to Warren Hellman for his efforts to bring back Strictly Bluegrass to San Francisco.*

*Recess*

*The Board recessed at the hour of 3:58 p.m.*

*Reconvening of the Board*

*The Board at the hour of 4:20p.m. reconvened.*

*Calling the Roll*

*On call of the roll, the following Supervisors were noted present: Supervisors Alioto-Pier, Ammiano, Daly, Gonzalez, Hall, Ma, McGoldrick, Peskin, Sandoval - 9*

*Quorum present.*

*Supervisors Dufty and Maxwell were noted present at 4:24 p.m.*

## SPECIAL ORDER 4:00 P.M.

**040524** **[Public Hearing - Appeal, Final Amended Mitigated Negative Declaration for 833-881 Jamestown Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated March 25, 2004, approving a final amended mitigated negative declaration for the proposed condominium project located at 833-881 Jamestown Avenue, on Assessor's Block 4991, Lot 277. (Appellant: Ralph D. House, President, Bayview Hill Neighborhood Association.)

(Filed April 26, 2004; companion measure to Files 040525, 040526, 040527; District 10.)

*Continued to May 25, 2004 at 4:30 p.m.*

**Supervisor Maxwell, seconded by Supervisor Daly, moved that this Hearing be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Dufty, McGoldrick

**(Only one of the following two motions should be adopted.)**

**040525** **[Affirming adoption of the negative declaration for 833-881 Jamestown Avenue]**

Motion affirming Planning Commission adoption of the final negative declaration for 833-881 Jamestown Avenue. (Clerk of the Board)

*Continued to May 25, 2004 at 4:30 p.m.*

**Supervisor Maxwell, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Dufty, McGoldrick

**040526** **[Reversing adoption of the negative declaration for 833-881 Jamestown Avenue]**

Motion reversing the Planning Commission adoption of the final negative declaration for 833-881 Jamestown Avenue. (Clerk of the Board)

*Continued to May 25, 2004 at 4:30 p.m.*

**Supervisor Maxwell, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Dufty, McGoldrick

**040527** **[Preparation of findings to reverse adoption of the negative declaration for 833-881 Jamestown Avenue]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for 833-881 Jamestown Avenue. (Clerk of the Board)

*Continued to May 25, 2004 at 4:30 p.m.*

**Supervisor Maxwell, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Dufty, McGoldrick

## SPECIAL ORDER 4:00 P.M.

040485 **[Public Hearing - Appeal, Conditional Use - 833-881 Jamestown Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16755 dated March 25, 2004 authorizing a conditional use authorization, Case No. 1999.0233C, under Planning Code Sections 209.1(g) and 304 for a Planned Unit Development with up to 198 dwelling units and 216 off-street parking spaces within an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District, on property located at 833-881 Jamestown Avenue, west of Candlestick Park at the northern base of Bayview Hill; Lot 277 in the Assessor's Block 4991. (Appellant: Ralph D. House, President, Bayview Hill Neighborhood Association.)

(Filed April 26, 2004; companion measure to Files 040486, 040487, 040488; District 10.)

*Continued to May 25, 2004 at 4:30 p.m.*

**Supervisor Maxwell, seconded by Supervisor Daly, moved that this Hearing be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Dufty, McGoldrick

**(Only one of the following two motions should be adopted.)**

040486 **[Appeal, Conditional Use - 833-881 Jamestown Avenue]**

Motion approving decision of the Planning Commission by its Motion No. 16755, approving Conditional Use Application No. 1999.0233C on property located at 833-881 Jamestown Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Continued to May 25, 2004 at 4:30 p.m.*

**Supervisor Maxwell, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Dufty, McGoldrick

040487 **[Appeal, Conditional Use 833-881 Jamestown Avenue]**

Motion disapproving decision of the Planning Commission by its Motion No. 16755, approving Conditional Use Application No. 1999.0233C on property located at 833-881 Jamestown Avenue. (Clerk of the Board)

*Continued to May 25, 2004 at 4:30 p.m.*

**Supervisor Maxwell, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Dufty, McGoldrick

040488 **[Findings - 833-881 Jamestown Avenue]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 1999.0233C on property located at 833-881 Jamestown Avenue, for action by the Board at its next meeting. (Clerk of the Board)

*Continued to May 25, 2004 at 4:30 p.m.*

**Supervisor Maxwell, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Dufty, McGoldrick

# ROLL CALL FOR INTRODUCTIONS

# PUBLIC COMMENT

*Abdullah Megaheed; general issues*
*Richard Robertson; homeless issues*
*Jean Ellison; pedestrian safety issues*
*Bruce Allison; homeless issues*
*Vernon Jenkins; general issues*
*Lolita Guerrero; Support of Item 29*
*Female Speaker; Support of Item 29*
*Male Speaker; Support of Item 29*
*Tanya Raza; Support of Item 29*
*Male Speaker; Support of Item 29*
*Brian Winnow; Support of Item 29*
*Female Speaker; homeless and health care issues*

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**040587** **[Issuance and sale of revenue bonds by ABAG Finance Authority for YMCA of S.F.]**
**Supervisor Peskin**

Resolution authorizing the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $20,000,000 for the YMCA of San Francisco.

**Resolution No.** 317-04
**ADOPTED**

**040602** **[Accept-Expend Robert Wood Johnson Foundation Grant]**
**Supervisor Hall**

Resolution authorizing the Department of Aging and Adult Services to retroactively accept and expend the FY 2003-04 portion, amounting to $112,869, of a four-year grant from the Robert Wood Johnson Foundation for the implementation of strategic system improvements to create a coordinated model of long term care and supportive services for vulnerable older adults in San Francisco.

**Resolution No.** 318-04
**ADOPTED**

**040606** **[Commending Wai Sim Cham]**
**Supervisor Dufty**

Resolution commending Wai Sim Cham upon her retirement with the closure of China Court Restaurant after eighteen successful years serving the Castro community.

**Resolution No.** 319-04
**ADOPTED**

**040607** **[Opposing Sutter Health Hospitals pricing and collection practices]**
**Supervisors Alioto-Pier, Maxwell, Ammiano, Daly, Peskin, Sandoval, Gonzalez**

Resolution opposing discriminatory pricing practices and aggressive debt collection at Sutter Health Hospitals.

**Resolution No.** 328-04
**ADOPTED**

**040608** **[Bill Walsh Way]**
**Supervisors Dufty, Maxwell, Hall**

Resolution urging the Department of Public Works to honor Bill Walsh by renaming Giants Drive "Bill Walsh Way".

*Supervisor Hall requested to be added as a co-sponsor.*

**Resolution No.** 320-04
**ADOPTED**

**040609** **[Accept and expend gift-in-place valued at approximately $20,000]**
**Supervisors Ma, Hall**

Resolution accepting and expending a gift-in-place valued at approximately $20,000 from Ms. Elley Shannon to the Recreation and Park Department for the improvement of a baseball diamond.

*Supervisor Hall requested to be added as a co-sponsor.*

**Resolution No.** 321-04
**ADOPTED**

**040610** **[Apply For State Used Oil Recycling Block Grant]**
**Supervisor Ma**

Resolution authorizing the Department of the Environment to apply for annual grants from the California Integrated Waste Management Board for the purpose of increasing Used Motor Oil Recycling and Household Hazardous Waste Management.

**Resolution No.** 322-04
**ADOPTED**

**040611** **[Commending the Hawai' i Chamber of Commerce of Northern California]**
**Supervisor Ma**

Resolution commending the Hawai'i Chamber of Commerce of Northern California.

**Resolution No.** 323-04
**ADOPTED**

**040612** **[Commending the Northern California Chinese Media Association]**
**Supervisor Ma**

Resolution commending the Northern California Chinese Media Association.

**Resolution No.** 324-04
**ADOPTED**

**040613** **[Commending James Taylor]**
**Supervisor Maxwell**

Resolution commending James Taylor for his dedication and exemplary service to the community, its schools, and its students.

**Resolution No.** 325-04
**ADOPTED**

**040614** **[Commending Pastor Victor L. Medearis]**
**Supervisor Maxwell**

Resolution commending Pastor Victor L. Medearis for his dedication and exemplary service to the community.

**Resolution No.** 326-04
**ADOPTED**

**040615** **[Authorizing lease payment for computer equipment to be used by Budget Analyst]**
**Supervisor Peskin**

Motion authorizing the Clerk of the Board to make three annual lease payments in the amount of $6,973.29, and to make a one-time payment in fiscal year 03-04 for sales tax of $1,748.93, for the lease of computer equipment to be used by the Budget Analyst; and authorizing the Clerk of the Board to deduct $22,324.60 from payment of the amount owed the Budget Analyst under the contract between the Board of Supervisors and the Budget Analyst.

**Motion No.** M04-58
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

## Severed from Without Reference to Committee Agenda

*Supervisor McGoldrick requested that this matter be severed so that it could be considered separately.*

**040605** **[Commodity Supplemental Food Program]**
**Supervisors Dufty, Daly, Ma, Ammiano, Maxwell**

Resolution urging the Mayor, the California Department of Education and the United States Department of Agriculture to allocate funding to allow the Commodity Supplemental Food Program to remain in San Francisco.

**REFERRED to the Budget Committee.**

# IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Sandoval, seconded by Supervisor Alioto-Pier, moved ADOPTION of the of the Commendatory Finding. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Sandoval, seconded by Supervisor Alioto-Pier, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

040650 **[Honoring Michael and Millianne Lehmann]**
**Supervisor McGoldrick**

Resolution honoring Michael and Millianne Lehmann and declaring May 28, 2004 as "Michael and Millianne Lehmann Day" in the City and County of San Francisco.

**Resolution No.** 327-04

**APPROVED by the following vote:**

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

# OFF-AGENDA LEGISLATION

## Ordinances

**040656** **[19th Avenue Transportation Safety Enhancement]**
**Supervisor Hall**

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-369 to require that revenues from fines for traffic violations on the segment of State Highway Route 1 beginning at 19th Avenue and Junipero/Serra Boulevard and ending at State Highway Route 101 and Lake be appropriated for the Nineteenth Avenue Transportation Safety Enhancement Project and making the San Francisco County Transportation Authority responsible for the conceptual and preliminary design of the project and the fiscal agent for the project.
5/18/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040657** **[Fee Adjustments]**
**Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by amending Article 3.5 and amending the San Francisco Administrative Code by amending Sections 31.22 and 31.23 to adjust fees for Planning Department services.
5/18/04, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 6/17/2004.

**040592** **[Payroll Expense Tax Exclusion for Biotechnology Business]**
**Supervisors Alioto-Pier, Ma, Hall**

Ordinance amending the Payroll Expense Tax Ordinance to establish a tax exclusion for biotechnology businesses, as specified.
5/11/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.
5/18/04, SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute ordinance bearing same title.
5/18/04, ASSIGNED to Finance and Audits Committee.

## Resolutions

**040653** **[Urging DPT to install 4-way STOP signs at the intersection of Castro and 23rd Streets]**
**Supervisor Dufty**

Resolution urging the Department of Parking and Traffic to install 4-way STOP signs at the intersection of Castro and 23rd Streets.
5/18/04, RECEIVED AND ASSIGNED to Land Use Committee. 07/20/04 - Referred to Parking and Traffic for posting and advertised in the SF Independent for the August 9, 2004 meeting of the Land Use Committee.

**040654** **[Urging SFSU to continue full funding for its School of Social Work]**
**Supervisor Dufty**

Resolution urging San Francisco State University to continue full funding for its School of Social Work.
5/18/04, RECEIVED AND ASSIGNED to City Services Committee.

**040655** **[Mortgage Credit Certificates]**
**Supervisor Alioto-Pier**

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Credit Certificates.
5/18/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040658** **[Housing Bonds]**
**Mayor, Supervisors Peskin, Ammiano, Dufty, Maxwell, Alioto-Pier**

Resolution determining and declaring that the public interest and necessity demand municipal improvements consisting of the acquisition, rehabilitation, renovation, improvement, construction or reconstruction by the City and County of San Francisco of housing for qualifying individuals and families and to provide financial assistance to qualifying individuals and families to purchase housing in the City, and all other works, property and structures necessary or convenient for the foregoing purposes, that the estimated cost of $185,000,000 for said municipal improvements is and will be too great to be paid out of the ordinary annual income and revenue of said City and County and will require the incurring of bonded indebtedness; finding the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the general plan consistency requirement of Administrative Code Section 2a.
5/18/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040659** **[Refunding San Francisco Courthouse Project Certificates of Participation (Series 1995)]**
**Mayor, Supervisor Hall**

Resolution approving the execution and delivery of refunding certificates of participation to refinance, in whole and/or in part, the $40,635,000 outstanding Certificates of Participation (San Francisco Courthouse Project) Series 1995; approving the form of a first supplement to property and facility lease by and between the City and County of San Francisco (the "City") and U.S. Bank Trust National Association (the "Trustee"); approving the form of a first supplement to project lease between the Trustee and the City; approving the form of a first supplement to trust agreement between the City and the Trustee; approving the form of an escrow agreement between the City and BNY Western Trust Company; approving the form of the official notice of sale and the notice of intention to sell for the refunding certificates of participation; directing the publication of the notice of intention to sell for the refunding certificates of participation; approving the form of the official statement in preliminary and final form; approving the form of the continuing disclosure certificate; authorizing the payment of cost of issuance; and ratifying previous actions taken in connection therewith.
5/18/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040660** **[Mortgage Revenue Bonds]**
**Supervisor Peskin**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocation Committee ("CDLAC") to permit the issuance of qualified mortgage bonds in an aggregate principal amount not to exceed $25,000,000; authorizing and directing the Director to deposit with the Controller's Office an amount not to exceed $125,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to the deposit to the State of California if the City fails to issue the qualified mortgage bonds; and authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the application.
5/18/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040605** **[Commodity Supplemental Food Program]**
**Supervisors Dufty, Daly, Ma, Ammiano, Maxwell**

Resolution urging the Mayor, the California Department of Education and the United States Department of Agriculture to allocate funding to allow the Commodity Supplemental Food Program to remain in San Francisco.
5/11/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
5/18/04, REFERRED to Budget Committee.

**040668** **[Commodity Supplemental Food Program]**
**Supervisors Dufty, Alioto-Pier, Ammiano, Daly, Ma, Maxwell, Peskin**

Resolution urging the Mayor, the California Department of Education and the United States Department of Agriculture to allocate funding to allow the Commodity Supplemental Food Program to remain in San Francisco.
5/18/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040669** **[Supporting AB 2857]**
**Supervisor Ma**

Resolution supporting California Assembly Bill 2857 (AB 2857), which would amend California Revenue and Taxation Code Section 1604 in view of a recent Court of Appeal decision by providing that where a county board of equalization ("CBOE;" in some counties, a/k/a the assessment appeals board or "AAB") does not timely decide taxpayer's application for a one-year reduction of assessed value of real property (based on a decline in value, usually attributed to market downturn) or personal property on the local property tax rolls, the taxpayer's opinion of value will be entered on the roll as the basis for calculating property taxes only for the one tax year covered by the application and not for multiple subsequent tax years.
5/18/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040670** **[Contract Approval - SFGH Services Building seismic upgrade and repair sole source consulting engineer services agreement exceeding ten years]**
**Supervisor Ammiano**

Resolution approving the award of a contract by the City and County of San Francisco, through its Department of Public Works, to Forrell-Elsesser Engineers, Inc. for consulting engineer services for the San Francisco General Hospital Services Building Seismic Upgrade.
5/18/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040671** **[Condemning the federal raid in the immigrant community]**
**Supervisors Ammiano, Dufty, Daly**

Resolution urging the Federal Bureau of Investigations and the Immigrations and Customs Enforcement to send a well-publicized message to the immigrant community in San Francisco that INS raids will not be pursued in immigrant communities.
5/18/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040672** **[Urging the relocation of Peter Voulkos' bronze sculpture currently sited at the Hall of Justice]**
**Supervisor Gonzalez**

Resolution urging the relocation of Peter Voulkos' sculpture currently sited at the Hall of Justice due to its inaccessibility, poor siting, lack of public viewing and neglect as a major work of art in San Francisco.
5/18/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040673** **[Recognizing May 2004 as Foster Care Month]**
**Supervisors Maxwell, Dufty**

Resolution recognizing May 2004 as Foster Care Month.
5/18/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040674** **[Commending Ralph D. House]**
**Supervisor Maxwell**

Resolution commending Ralph D. House for his dedication and exemplary service to the community.
5/18/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Charter Amendments

**040641** **[Charter Amendment - Office of Economic Analysis; Economic Development Plan]**
**Supervisor Alioto-Pier**

Charter amendment (First Draft) by adding Section 2.118, to create an Office of Economic Analysis under the Board of Supervisors, and by adding Section 16.124, to require the Office of Economic Analysis to prepare an annual Economic Development Plan for the City.

(Fiscal impact.)
5/18/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/17/2004. 5/21/04: Referred to Controller; Mayor; City Attorney; Ethics Commission; City Administrator; Director Administrative Services; Planning, Environmental Review Officer; Clerk of the Board; Budget Analyst's Office.

**040642** **[Charter Amendment - Authorizing health plans for City residents]**
**Supervisors Daly, Ammiano**

Charter amendment (First Draft) by amending Section 12.200 of the Charter and Section A8.421 of Appendix A of the Charter to authorize the Health Service Board to offer health plans to City residents.

(Fiscal impact.)
5/18/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/17/2004. 5/21/04: Referred to Controller; Mayor; City Attorney; Ethics Commission; City Administrator; Director Administrative Services; Planning, Environmental Review Officer; Department of Human Resources; Health Service System Board; Clerk of the Board; Budget Analyst's Office.

7/23/04 - Transmitted original legislation with certified, signed "tails" along with 3 copies of the measures to the Department of Elections. Provided these measures on a diskette and electronically.

**040643** **[Charter Amendment - Health Service System]**
**Supervisor Daly**

Charter amendment (First Draft) by amending Sections 10.102, 10.103, 12.200 and 12.201 of the Charter and Sections A8.423, A8.427 and A8.428 of Appendix A of the Charter and adding Section A8.428-1 to Appendix A of the Charter to place administration of the Health Service System under the jurisdiction of the Health Service Board; replace the City Attorney seat on the Health Service Board with an elected seat; adjust the employers' contribution for health benefits; modify the application of the credit for Medicare premiums; and increase the years of service required for new employees to qualify for subsidized health benefits at retirement.
5/18/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/17/2004. 5/21/04: Referred to Controller; Mayor; City Attorney; Ethics Commission; City Administrator; Director Administrative Services; Planning, Environmental Review Officer; Retirement SFERS; Clerk of the Board; Budget Analyst's Office; Department of Human Resources; Health Service System Board.

7/23/04 - Transmitted original legislation with certified, signed "tails" along with 3 copies of the measures to the Department of Elections. Provided these measures on a diskette and electronically.

**040644** **[Charter Amendment - Anti-Homicide Plan; DNA Crime Lab Funding; Survivor Assistance; Violence Prevention Programs]**
**Supervisors Daly, Maxwell**

Charter amendment (First Draft) by adding Section 16.126 to: establish a San Francisco Anti-Homicide Plan; require Police Department and District Attorney investigators to give homicide investigation a top priority; require full funding for forensic biology (DNA crime lab); create a Survivors' Advocate and a City fund to pay specified expenses for survivors of homicide victims; and, fund violence prevention programs identified in the Plan for the next five fiscal years in an amount not to exceed $5 million per year.

(Fiscal impact.)
5/18/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/17/2004. 5/21/04: Referred to the following depts. for review and comment: District Attorney; Public Defender; SF Police Chief; Sheriff; President Police Commission; Chief Adult Probation Officer, Juvenile Probation; Youth Commission; Clerk of the Board; Budget Analyst's Office; Controller; Mayor; City Attorney; Ethics Commission; City Administrator; Director, Administrative Services; Planning Environmental Review Officer.

**040645** **[Charter Amendment - Non-Citizen Voting in School Board Elections]**
**Supervisors Gonzalez, Ammiano, Daly, Maxwell, McGoldrick**

Charter amendment (First Draft) by adding Section 13.111 to authorize San Francisco residents 18 years of age or older who have children in the San Francisco Unified School District to vote in elections for the Board of Education, regardless of whether the resident is a United States citizen, and to direct the Board of Supervisors implement, by ordinance, non-citizen voting in School Board elections.
5/18/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/17/2004. 5/21/04: Referred to Controller; Mayor; City Attorney; Ethics Commission; City Administrator; Director Administrative Services; Planning, Environmental Review Officer; Clerk of the Board; Budget Analyst's Office; Dept. of Elections; San Francisco Unified School District.

7/23/04 - Transmitted original legislation with certified, signed "tails" along with 3 copies of the measures to the Department of Elections. Provided these measures on a diskette and electronically.

**040646** **[Charter Amendment - Increasing the retirement benefits payable to the qualified survivors of certain police officers and firefighters who die in the line of duty]**
**Supervisors Hall, McGoldrick**

Charter amendment (First Draft) by amending Sections A8.586-4, A8.588-4, A8.597-4 and A8.598-4 to increase the benefits payable to the qualified survivors of certain police officers and firefighters who die in the line of duty.

(Fiscal impact.)
5/18/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/17/2004. 5/21/04: Referred to Controller; Mayor; City Attorney; Ethics Commission; City Administrator; Director Administrative Services; Planning, Environmental Review Officer; SFERS; Clerk of the Board; Budget Analyst's Office.
6/15/04: Referred to Human Resources.

7/23/04 - Transmitted original legislation with certified, signed "tails" along with 3 copies of the measures to the Department of Elections. Provided these measures on a diskette and electronically.

040647 **[Charter Amendment - MTA budget; Director's contract and salary cap; Board veto of service reductions; voter-approved ordinances; biennial quality review]**
**Supervisor Sandoval**

Charter amendment (First Draft) by amending Sections 8A.102, 8A.106, and 8A.107, to provide that: the Board of Supervisors shall set the annual salary of the Director of Transportation of the Municipal Transportation Agency, which shall not exceed $250,000; the Board of Supervisors must approve the contract between the Municipal Transportation Agency and the Director of Transportation; the Board may reduce or reject any expenditure contained in the Agency's base budget, and may reject any proposed fare; and, the Controller, rather than the Agency, shall administer the biennial municipal transportation quality review survey and study.

5/18/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/17/2004. 5/21/04: Referred to Controller; Mayor; City Attorney; Ethics Commission; City Administrator; Director Administrative Services; Planning EIR Officer; Municipal Transportation Agency; Budget Analyst's Office; Clerk of the Board.

040648 **[Charter Amendment - Establishing Rent Board in Charter, Mayor appoints three members and Board of Supervisors appoints four, renter and non-renter seats allocated per census data percentages of each]**
**Supervisor Daly**

Charter amendment (First Draft) by adding Section 4.135 to establish the Residential Rent Stabilization and Arbitration Board in the Charter, to increase its membership from five to seven members, to provide that the Mayor will appoint three members and the Board of Supervisors will appoint four members, and to allocate the seven seats among renters and non-renters according to the percentages of renter occupied housing units and owner occupied housing units in San Francisco as reported in the ten-year federal census.

5/18/04. ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/17/2004. 5/21/04: Referred to the Controller; Mayor; City Attorney, Ethics Commission; City Administrator; Director, Administrative Services; Planning Environmental Review Officer; Rent Stabilization Board; Clerk of the Board; Budget Analyst's Office.

040649 **[Charter Amendment - Requiring SFUSD to either appoint a controller or agree to use the City Controller for specified fiscal oversight functions in order to continue to receive funding for the Public Education Enrichment Fund]**
**Supervisors Ammiano, Daly**

Charter amendment (First Draft) by amending Section 16.123-2 to require as a condition of continuing to receive funding from the Public Education Enrichment Fund that the San Francisco Unified School District agree to form a committee of School District, City, and State officials that would send the Board of Education three nominees from which the Board could either select a person to serve as School District Controller, or alternatively, enter into a contract with the City to have the City Controller perform specified fiscal oversight functions.

5/18/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/17/2004. 5/21/04: Referred to Controller; Mayor; City Attorney; Ethics Commission; City Administrator; Director Administrative Services; Planning, Environmental Review Officer; Clerk of the Board; Budget Analyst's Office; San Francisco Unified School District.

## Motion

040640 **[Needle Exchange Emergency]**
**Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
5/18/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

040651 **[SFUSD's contracting out policies]**
**Supervisor Ammiano**

Hearing to review and consider San Francisco Unified School District's contracting out policies, specifically with regard to construction management services and personal/professional services contracts that could be performed by civil service employees.
5/18/04, RECEIVED AND ASSIGNED to City and School District Select Committee.

040652 **[Telecommunications Plan Update]**
**Supervisor Ma**

Hearing on the Telecommunications Plan Update to address the recommendations of the Telecommunications Commission.
5/18/04, RECEIVED AND ASSIGNED to City Services Committee.

# PROPOSED ORDINANCES

040620 **[Traffic Code - Adding Section 32.6.32 restricting parking around the U.S. Court of Appeals building to law enforcement vehicles only]**
Ordinance adding Section 32.6.32 to the San Francisco Traffic Code restricting parking adjacent to the United States Court of Appeals building on part of Stevenson Street to law enforcement vehicles only. (Parking and Traffic Department)

(5/4/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)
5/7/04, RECEIVED AND ASSIGNED to Land Use Committee.

040621 **[Traffic Code - Amending Section 71b Towing of Vehicles Obstructing the Normal Flow of Traffic]**
Ordinance adding violation of Section 39 of the San Francisco Traffic Code, which prohibits vehicles not authorized by the Chief of Police from standing in any taxicab stand, to the list of violations for which a vehicle may be towed pursuant to Section 71b of the San Francisco Traffic Code, Towing of Vehicles Obstructing the Normal Flow of Traffic. (Parking and Traffic Department)

(5/4/04: categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order NO. 2806.)
5/7/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040622** **[Traffic Code - Adding Section 32.6.33 restricting parking around the INS/Customs Buildings to law enforcement vehicles only]**

Ordinance adding Section 32.6.33 to the San Francisco Traffic Code restricting parking around the periphery of the INS/Customs Buildings on parts of Jackson Street, Washington Street and Battery Street to law enforcement vehicles only. (Parking and Traffic Department)

(5/4/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2808.)

5/7/04, RECEIVED AND ASSIGNED to Land Use Committee.

# PROPOSED RESOLUTIONS

**040576** **[Renew Revolving Loan Funds Agreement with State]**

Resolution authorizing the Office of the District Attorney to renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving loan fund in the amount of $75,000 to be used to pay for verified funeral/burial expenses and emergency relocation for victims of domestic violence and sexual assault. (District Attorney)

5/6/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040617** **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

Mariposa Street, stopping Mariposa Street at Florida Street, making this intersection an All-Way STOP;

Mariposa Street, stopping Mariposa Street at Hampshire Street, making this intersection an All-Way STOP;

22nd Street, stopping 22nd Street at Alabama Street, making this intersection an All-Way STOP;

Hillway Avenue, stopping Hillway Avenue at Parnassus Avenue, controlling the stem to this T-intersection; and

Broderick Street, stopping Broderick Street at Jefferson Street, making this intersection an All-Way STOP. (Parking and Traffic Department)

(5/5/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2804.)

5/7/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040618** **[Traffic Regulations, Various Streets]**

Resolution enacting and rescinding traffic regulations on various streets.

NO LEFT TURN, 7 AM TO 9 AM AND 4 PM to 6 PM, EVERYDAY EXCEPT SUNDAYS - ESTABLISH
Columbus Avenue, northbound and southbound, at Filbert Street.

NO LEFT TURN - ESTABLISH
Idora Avenue, northbound, to westbound Woodside Avenue.

TRANSIT AND TAXIS ONLY ON EVENT DAYS AT CANDLESTICK PARK - ESTABLISH
Giant's Drive, south of Ingerson Avenue (Candlestick Park Bus Loop Roadway)
Ingerson Avenue, between Giant's Drive and Hawes Street.

NO LEFT TURN AFTER BALLPARK EVENTS - ESTABLISH
4th and Channel Streets, from northbound 4th Street (Lot B exit) to westbound Channel Street. (Parking and Traffic Department)

(5/5/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2804.)
5/7/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040619** **[Parking Regulations, Various Locations]**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
La Salle Avenue, north side, along the bulb-out across from the entrance to Osceola Lane (65 feet);
La Salle Avenue, north side, along the bulb-out at the entrance to Gloria R. Davis School (108 feet);
La Salle Avenue, south side, along the western bulb-out curb return at the closed-off portion of Osceola Lane (31 feet);
La Salle Avenue, south side, along the western and eastern bulb-out curb returns at Whitfield Lane (40 feet and 34 feet, respectively); and
La Salle Avenue, north side, along the bulb-out contiguous to Ingalls Street (64 feet).

TOW-AWAY, NO STOPPING, 7 AM - 5 PM SCHOOL DAYS - RESCIND
TOW-AWAY, NO STOPPING, 7 AM - 6 PM SCHOOL DAYS - ESTABLISH
Washington Street, south side, between Stockton and Powell Streets.

TOW-AWAY NO STOPPING ANYTIME - ESTABLISH
Monterey Boulevard, north side, at Circular Avenue, from the west end of the driveway of 66 Monterey Boulevard to the east end of the driveway of 76 Monterey Boulevard.

ANGLE PARKING - RESCIND
Point Lobos Avenue, from 17 feet west of the eastern edge of 1090 Point Lobos Avenue to 80 feet easterly.

RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
14th Avenue, both sides, between Anza Street and Geary Boulevard (400 block); and
Cabrillo Street, both sides, between 14th and 15th Avenues (1300 block).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Church Street, both sides, between 26th and Cesar Chavez Streets (a portion of the 1400 block).

RESIDENTIAL PERMIT PARKING AREA "O" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
20th Avenue, west side, between Ulloa and Vicente Streets (2500 block).

RESIDENTIAL PERMIT PARKING AREA "R" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Willow Street, south side (odd numbers only), between Buchanan and Laguna Streets (600 block); and
Note: Signs will not be posted on this block because of the No Parking restrictions, but residents will be able to purchase permits.
1200 and 1300 blocks of Buchanan Street, east side (even numbers only), between Larch Way and Willow Street.
Note: Signs will not be installed on the 1200 block of Buchanan Street until the parking occupancy of 80% is met, but residents will be able to purchase permits.

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Stanyan Street, both sides, between Belgrave Avenue and Rivoli Street.

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Hickory Street, south side, between Gough and Octavia Streets; and
Lily Street, both sides, between Gough and Octavia Streets.

Note: "No Parking Anytime" signs will not be removed from the north side of Lily Street, but residents will be able to purchase permits).

RESIDENTIAL PERMIT PARKING AREA "W" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
23rd Street, both sides, between Carolina and De Haro Streets.

TWO-HOUR PARKING, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND
RESIDENTIAL PERMIT PARKING AREA "U" (2-HOUR TIME LIMIT, 8 AM - 10 PM, MONDAY THRU SUNDAY) - ESTABLISH
Chesley Street, east side, between Harrison Street and southern terminus.

RESIDENTIAL PERMIT PARKING AREA "U" (2-HOUR TIME LIMIT, 8 AM - 10 PM, MONDAY THRU SUNDAY) - ESTABLISH
1126 - 1130 Harrison Street, north side, between 7th and 8th Streets (Signs will not be posted on this street, but residents will be able to purchase permits).
1161 - 1161A Harrison Street and 1163 - 1165 Harrison Street, south side, between 7th and 8th Streets (Signs will not be posted on this street, but residents will be able to purchase permits.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Noe Street, east side, from 17th Street to Market Street;
14th Street, south side, between Buena Vista Terrace and Roosevelt Way; and
Treat Avenue, west side, from the southern limit of the 1602 Treat Avenue curb-cut to the southern terminus of Treat Avenue.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Treat Avenue, between the driveways of 1609 and 1615 Treat Avenue (25-foot zone).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
164 Lucky Street, west side, from 171 feet to 198 feet north of 26th Street (27-foot zone).

NO PARKING ANYTIME - RESCIND
167 Lucky Street, east side, between the north and south property lines.

NO PARKING, 6 PM TO 8 PM, EXCEPT SATURDAY AND SUNDAY - RESCIND
Harrison Street, west side, from 15th Street to 180 feet northerly.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Baker Street, east side, between the driveways of 420 and 430 Baker Street (6-foot zone).
620-624 - 6th Avenue, east side, from 129 feet to 134 feet south of Balboa Street (One space between driveways in front of 624 - 6th Avenue only. The remainder of the curb to be painted red.)

ANGLE (60-DEGREE ANGLE) PARKING - ESTABLISH
Randolph Street, north side, from 72 feet west of Arch Street to 115 feet west of Arch Street.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
UNMETERED MOTORCYCLE PARKING - ESTABLISH
Kaplan Lane, east side, from Clementina Street to the northern terminus.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Opposite Frontage of 1351-1355 De Haro Street (within area currently marked unofficially for No Parking).

NO PARKING ANYTIME - ESTABLISH
Panama Street, both sides, west of Niantic Avenue to the terminus.

NO PARKING ANYTIME 9 AM to 2 PM, EXCEPT SUNDAYS - RESCIND
NO PARKING ANYTIME, 8 AM TO 4 PM, SCHOOL DAYS - ESTABLISH

Phelan Avenue, west side, between Flood and Staples Avenues.

TWO-HOUR PARKING, 8 AM TO 4 PM, EXCEPT SUNDAYS - RESCIND
TWO-HOUR PARKING, 8 AM TO 4 PM, SCHOOL DAYS - ESTABLISH
Montecito Avenue, south side, from Plymouth Avenue to Hazelwood Avenue.

TWO-HOUR PARKING, 8 AM TO 4 PM, EXCEPT SUNDAYS - RESCIND
TWO-HOUR PARKING, 8 AM TO 4 PM, SCHOOL DAYS - ESTABLISH
Hazelwood Avenue, east side, from Staples Avenue to Judson Avenue.

TWO-HOUR PARKING, 8 AM TO 4 PM, EXCEPT SUNDAYS - RESCIND
TWO-HOUR PARKING, 8 AM TO 4 PM, SCHOOL DAYS - ESTABLISH
Greenwood Avenue, south side, from Plymouth Avenue to Hazelwood Avenue.

TWO-HOUR PARKING, 7 AM TO 6 PM, EVERYDAY - RESCIND
TWO-HOUR PARKING, 7 AM TO 6 PM, SCHOOL DAYS - ESTABLISH
Colon Avenue, both sides, from Greenwood Avenue to Terminus.

TWO-HOUR PARKING, 8 AM TO 4 PM, EXCEPT SUNDAYS - RESCIND
TWO-HOUR PARKING, 8 AM TO 4 PM, SCHOOL DAYS - ESTABLISH

Valdez Avenue, east side, from Monterey Boulevard to Greenwood Avenue.

TWO-HOUR PARKING, 8 AM TO 4 PM, EXCEPT SATURDAYS AND SUNDAYS - RESCIND
PARKING HOURS, 8 AM TO 4 PM, SUNDAYS AND HOLIDAYS EXCEPTED - RESCIND
TWO-HOUR PARKING, 8 AM TO 4 PM, SCHOOL DAYS - ESTABLISH

Hazelwood Avenue, east side, from Monterey Boulevard to Staples Avenue. (Parking and Traffic Department)

(5/5/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2804.)
5/7/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040623** **[Accept-Expend State Grant]**
Resolution authorizing the Office of the District Attorney to contract for, accept and expend $646,037 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Joint Powers Agreement with Victim and Witness Assistance Program for the period of July 1, 2004 through June 30, 2005. (District Attorney)
5/10/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040624** **[Accept-Expend State Grant]**
Resolution authorizing the Office of the District Attorney to contract for, accept and expend $82,074 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2004 through June 30, 2005. (District Attorney)
5/10/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040625** **[Adopting the 2004 Update to the Telecommunications Plan]**
Resolution adopting the 2004 Update to the Telecommunications Plan, as adopted and forwarded by the San Francisco Telecommunications Commission. (Telecommunications and Information Services)
5/7/04, RECEIVED AND ASSIGNED to Land Use Committee.

## Requests Granted

*From: Supervisor Peskin*
*To: Director, Department of Public Works*
*Requesting/Inquiring: To report on the progress and timeline of implementing Ordinance No. 30-04, regarding the installation of slip resistant manhole, vaults, and sub-sidewalk basement covers, grilles, grates, or other lids on the public sidewalk; granting the Department of Public Works to enforce requirements, and to provide for administrative and civil penalties for violations, including the commencement of a hearing process regarding the standards (as requirement of the ordinance).*

*From: Supervisor Maxwell*
*To: Director, Port*
*Requesting/Inquiring: To submit report on how it will remedy the environmental, health and safety issues outlined in the Budget Analyst's April 26, 2004 audit. In particular, what immediate actions it will take to deal with the potential hazardous waste situation with the Pacific Cement site at Pier 80, cleanup of polychlorinated biphenyl (PCB) contaminated soil at Pier 70, and unguarded holes at Pier 90.*
*Supervisor Maxwell requests that this report be submitted to the Board of Supervisors by June 15, 2004.*

*From: Supervisor Maxwell*
*To: Controller*
*Requesting/Inquiring: To submit a list of all established city funds; for each fund list the requirements that guide the use of money and delineate the process to expend money from the fund.*
*Supervisor Maxwell requests that this report be submitted to the Board of Supervisors by June 8, 2004.*

*From: Supervisor Maxwell*
*To: Director, Planning Department*
*Requesting/Inquiring: Requesting record of the Inclusionary Housing Ordinance since its passage by the Board of Supervisors. Please provide the following information:*
*1. The street address and project sponsor for all projects that have been subject to the ordinance, including those with entitlements and those submitted but not fully entitled.*
*2. Delineate those projects that have met the requirements of the ordinance through the inclusion of affordable units on-site, and list how many units were provided for each project.*
*3. Delineate those projects that have met the requirements of the ordinance through payment to the Mayor's Office of Housing, and list the amount of payment for each project.*
*4. Delineate those projects that have met the requirements of the ordinance through the provisions of affordable units off-site from the market rate project, list the street address for each corresponding off-site project, and list how many units were provided for each project.*
*5. The street address and project sponsor for all projects that contain 9 units of housing, including those with entitlements and those submitted but not fully entitled.*
*Supervisor Maxwell requests that this report be submitted to the Board of Supervisors by June 15, 2004.*

*From: Supervisor Dufty*
*To: Purchaser*
*Requesting/Inquiring: Requesting that the Purchaser advise the Board of Supervisors with respect to its responsibility to ensure compliance with the Minimum Compensation Ordinance of the City and County of San Francisco and whether Angelica Textile Services is in compliance.*

## In Memoriams

*Brian A. Wilson (Supervisors Sandoval, Dufty)*
*Margaret Brady (Supervisor McGoldrick)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 5:23 p.m. adjourned.*

*Gloria L. Young, Clerk of the Board*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on June 22, 2004.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B. Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.

AUG - 6 2004

SAN FRANCISCO
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**Tuesday, May 25, 2004 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

*MATT GONZALEZ, PRESIDENT*
*MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,*
*BEVAN DUFTY, TONY HALL, FIONA MA, SOPHIE MAXWELL,*
*JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL*
*Gloria L. Young, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Sandoval, Daly, McGoldrick | 2nd, 3rd, 4th Thursday<br>10:00 AM |
| **City and School District Select Committee**<br>Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Hiles, Wynns | 2nd Monday (Bi-Monthly)<br>4:00 PM |
| **City Services Committee**<br>Supervisors Dufty, Ma, Hall | Thursday<br>9:30 AM |
| **Finance and Audits Committee**<br>Supervisors Daly, Peskin, Ammiano | Wednesday<br>1:00 PM |
| **Land Use Committee**<br>Supervisors McGoldrick, Peskin, Maxwell | Monday<br>1:00 PM |
| **Rules Committee**<br>Supervisors Maxwell, Alioto-Pier, Gonzalez | Wednesday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee

**Members Present:** Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

# ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Alioto-Pier, Ammiano and Ma were noted absent.*

*Supervisors Ammiano and Ma were noted present at 2:07 p.m.*
*Supervisor Hall was previously excused from attending today's meeting. (See Infra)*

*Quorum present.*

## Supervisor Hall Excused from Attendance

**Supervisor Peskin, seconded by Supervisor Sandoval, moved to excuse Supervisor Hall from attending today's meeting. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Ma
Excused: 1 - Hall

# APPROVAL OF MEETING MINUTES

**Supervisor Peskin, seconded by Supervisor Sandoval, moved to approve April 20, 2004 Meeting Minutes. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Hall

# COMMUNICATIONS

*There were none.*

# CONSENT AGENDA

## Recommendations of the City Services Committee

**040484** **[Evaluate a mobile intervention to a late night population of men who have sex with men to reduce their risk of HIV/STD and substance use harm]**
**Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health, AIDS Office, (SFDPH, AIDS) to accept retroactively and expend a grant in the amount of $106,788 from the Regents of the University of California San Francisco, Universitywide AIDS Research Program (UCSF,UARP) to evaluate a mobile intervention to a late night population of men who have sex with men to reduce their risk of HIV/STD and substance use harm and to enter into an agreement for the use of these funds; for the period of February 1, 2004 to July 31, 2005. (Public Health Department)

**Resolution No.** 332-04
**ADOPTED**

**040507** **[Drug court partnership program for non-violent drug offenders]**
**Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a grant in the amount of $425,175 from the California Department of Health Services (CDHS) to provide drug court partnership funds and to enter into an agreement for the use of these funds; for the period of July 1, 2003, to June 30, 2004. (Public Works Department)

**Resolution No.** 333-04
**ADOPTED**

## Recommendations of the Finance and Audits Committee

**040301** **[Approval of taxicab color scheme transfers]**
Ordinance amending the San Francisco Police Code, by amending Section 1125 to provide that the Taxi Commission may consider the effect on the public interest, including the impact on paratransit service, when a permit holder seeks to associate with a color scheme or to transfer the permit to another color scheme. (Taxi Commission)

**Ordinance No.** 100-04
**FINALLY PASSED**

**040302** **[Requiring that applicants for a ramped taxi permit have completed at least 100 wheelchair pick-ups during the six months immediately preceding the Taxi Commission's hearing on the application]**
Ordinance amending the San Francisco Police Code, by amending Section 1148.1, to require that applicants for a ramped taxi permit have completed at least 100 wheelchair pick-ups during the six months immediately preceding the Taxi Commission's hearing on the application. (Taxi Commission)

**Ordinance No.** 101-04
**FINALLY PASSED**

**040576** **[Renew Revolving Loan Funds Agreement with State]**
Resolution authorizing the Office of the District Attorney to renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving loan fund in the amount of $75,000 to be used to pay for verified funeral/burial expenses and emergency relocation for victims of domestic violence and sexual assault. (District Attorney)

**Resolution No.** 338-04
**ADOPTED**

**040623** **[Accept-Expend State Grant]**

Resolution authorizing the Office of the District Attorney to contract for, accept and expend $646,037 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Joint Powers Agreement with Victim and Witness Assistance Program for the period of July 1, 2004 through June 30, 2005. (District Attorney)

**Resolution No.** 340-04
**ADOPTED**

**040624** **[Accept-Expend State Grant]**

Resolution authorizing the Office of the District Attorney to contract for, accept and expend $82,074 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2004 through June 30, 2005. (District Attorney)

**Resolution No.** 308-04
**ADOPTED**

## Recommendations of the Rules Committee

**040393** **[Settlement of Lawsuit - 555 California Street Partners, et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against 555 California Street Partners, a California limited partnership, Davre's Inc., Factory Mutual Insurance Company, Excel Building Services, LLC and National Guardian Enterprises, Inc., for $34,200; the lawsuit was filed on August 20, 2003 in the Superior Court of the County of San Francisco, Case No. 423627; entitled City and County of San Francisco v. 555 California Street Partners, a California limited partnership, Davre's Inc., Factory Mutual Insurance Company, Excel Building Services, LLC and National Guardian Enterprises, Inc., et al. (City Attorney)

**Ordinance No.** 103-04
**FINALLY PASSED**

**040357** **[Appointment - Veterans Affairs Commission]**

Resolution appointing Cheryl Denise Cook, term ending January 31, 2008, to the Veterans Affairs Commission.

Cheryl Denise Cook, succeeding Glen Raswyck, term expired, seat 9, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2008.

**Resolution No.** 329-04
**ADOPTED**

040577 **[Appointment - Power Plant Task Force]**

Resolution appointing Toby Levy, Steven Moss, Dana Lanza (residency requirement waived), and Karen G. Pierce, term ending November 1, 2005 to the Power Plant Task Force.

Karen G. Pierce, new appointment, seat 2, must be a resident of the Bayview Hunters Point area; for the unexpired portion of a two-year term ending November 1, 2005.
Toby Levy, new appointment, seat 6, must be a resident of the South of Market area; for the unexpired portion of a two-year term ending November 1, 2005.
Steven Moss, new appointment, seat 7, must be the executive director of the San Francisco Community Power Co-op or his/her designee; for the unexpired portion of a two-year term ending November 1, 2005.
Dana Lanza (residency requirement waived), new appointment, seat 10, must be the executive director of Literacy for Environmental Justice or his/her designee; for the unexpired portion of a two-year term ending November 1, 2005.

**Resolution No.** 339-04
**ADOPTED**

**The foregoing items were acted upon by the following vote:**
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Hall

# REGULAR AGENDA

# UNFINISHED BUSINESS

## From the Clerk

040675 **[Adopting findings related to the conditional use appeal on property located at 2599 Lombard Street]**

Motion adopting findings related to the appeal of the Planning Commission's approval of a conditional use authorization, Case No. 2003.0080C, to install four (4) cellular antennas and related equipment on the roof of the Pacific Motor Inn, as part of Verizon Wireless telecommunications network within an NC-3 (Moderate-scale Neighborhood Commercial) District and a 40-X Height and Bulk District, on property located at 2599 Lombard Street; Lot 016 in the Assessor's Block 0938. (Clerk of the Board)

**Motion No.** M04-62
**APPROVED by the following vote:**
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Hall

## Recommendations of the Finance and Audits Committee

031839 **[Sidewalk Parking Fine Increase]**
**Supervisor Daly**

Ordinance amending Article 7, Section 132 of the San Francisco Traffic Code, to increase the fine for sidewalk parking from $75.00 to $100.00 as of July 1, 2004, in accordance with Resolution No. 648-01, adopted August 17, 2001; to update the fine for stopping on a freeway because of the repeal of Vehicle Code Section 25220 and enactment of Vehicle Code Section 21718; and to make various editorial changes to clarify the Penalty Schedule. (Parking and Traffic Department)

**Ordinance No.** 97-04
**FINALLY PASSED by the following vote:**
Ayes: 6 - Ammiano, Daly, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Dufty, Gonzalez, Ma
Absent: 1 - Alioto-Pier
Excused: 1 - Hall

031991 **[Work Practices for Lead-Based Paint and Fees For Implementation of Work Practices Program Provisions Regarding Interiors]**
**Supervisors Peskin, Maxwell, Daly, Gonzalez**

Ordinance amending Section 3407 et seq., Section 110 Table 1-A and Section 110 Table 1-P of the San Francisco Building Code to regulate work that disturbs or removes lead-based paint in the interior of pre-1979 buildings that are in Group E3, R1 or R3 occupancy classification, as well as, the exterior of pre-1979 buildings and all steel structures; amend prohibited practices; establish performance standards for work that disturbs or removes lead-based paint in the interior and exterior of such buildings and steel structure; conform the process for assessing administrative penalties with that for the issuance of an Order of Abatement, to provide a surcharge fee for alteration permits sought for buildings classified as R3 and E3 that were constructed prior to 1979 to implement the lead interior safe work practices provisions of Section 3407 et seq., to provide a surcharge license fee for apartment houses and hotels constructed prior to 1979, other than those operating only as tourist hotels, to implement the lead interior safe work practices provisions of Section 3407 et seq., and to make findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code.

*Supervisor Gonzalez requested to be added as a co-sponsor.*

**Ordinance No.** 98-04
**FINALLY PASSED by the following vote:**
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Hall

031992 **[Relocation of Persons Affected by Lead Hazards]**
**Supervisors Peskin, Maxwell, Daly, Gonzalez**

Ordinance amending Section 596 of the San Francisco Health Code and Sections 37.3, 37.9, 72.1 to 72.3, inclusive, and 72.5 of the San Francisco Administrative Code providing for orders to vacate and notices to pay relocation benefits, providing for a hearing process under Article 11 of the Health Code if a notice to pay relocation benefits is not complied with, disallowing passthroughs to tenants of the costs of lead remediation performed in accordance with Article 11 of the Health Code when lead hazards remedied are a result of deferred maintenance; authorizing landlords to temporarily recover possession of a unit for the purposes of performing lead remediation as required by the Department in accordance with Article 11 of the Health Code but only for the minimum time required to perform the remediation; increasing relocation payments required under Chapter 72 and indexing those relocation payments to the Consumer Price Index as of July 1, 2004; and providing an alternative to making relocation payments if a comparable dwelling unit is made available.

*Supervisor Gonzalez requested to be added as a co-sponsor.*

**Ordinance No.** 99-04

**FINALLY PASSED by the following vote:**

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Hall

040362 **[To appropriate funding to Modification No.12 to Contract No.309 with ANSALDOBREDA (Breda), and related consultant and administrative costs for the Municipal Transportation Agency]**
**Mayor**

Ordinance appropriating $12,274,340 of fund balance to fund Modification No. 12 to Contract No. 309 with ANSALDOBREDA (Breda) and for related consultant and administrative costs as part of the Muni Light Rail Vehicles (LRV) Procurement Program. Funding is provided from proceeds of a recently completed Breda lease-lease back transaction. The MTA adopted Resolution No. 04-016 approving a spending plan for Muni's Breda LRV modification program, with an emphasis on operational and passenger safety security enhancements for fiscal year 2003-04.

(Fiscal impact.)

**Ordinance No.** 102-04

**FINALLY PASSED by the following vote:**

Ayes: 6 - Ammiano, Daly, Dufty, Ma, Maxwell, Peskin
Noes: 3 - Gonzalez, McGoldrick, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Hall

## Recommendation of the Rules Committee

**040146** **[Determination of Fiscal Feasibility of Proposed Project]**
**Supervisors Peskin, Ma, Gonzalez**

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 28 to require Board of Supervisors review of a proposed project meeting certain criteria and a determination that the proposed project is fiscally responsible and feasible before undertaking environmental review of the proposed project.

**Ordinance No.** 104-04

**FINALLY PASSED by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

*Supervisor Gonzalez requested to be added as a co-sponsor.*

# NEW BUSINESS

## Recommendation of the City Services Committee

**040522** **[SFSU Gerontology Program]**
**Supervisors Dufty, Hall, Sandoval, Ma**

Resolution urging San Francisco State University to continue its Gerontology Program.

**Resolution No.** 334-04
**ADOPTED by the following vote:**
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Hall

## Recommendations of the Finance and Audits Committee

**040594** **[Board approval for contracting out personal services]**
**Supervisors Maxwell, Ammiano, Peskin, Daly**

Ordinance amending the San Francisco Administrative Code, by adding Sections 2.15, 2.16, and 2.17 to require a supplemental report from departments seeking Board approval to contract out personal services under Charter Section 10.104(15), to require the Controller to prepare an annual report on such contracts, and to set deadlines for departmental submission of requests to the Controller and the Board of Supervisors for certification to enter into such contracts.

**PASSED ON FIRST READING by the following vote:**
Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Hall

**040440** **[Airport Concession Lease]**
**Mayor**

Resolution approving the Terminal 3 Concourse Newsstand Lease between The Paradies Shops, Inc., and the City and County of San Francisco, acting by and through its Airport Commission.

**Resolution No.** 330-04
**ADOPTED by the following vote:**
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Noes: 1 - McGoldrick
Excused: 1 - Hall

**040441** **[Airport Concession Lease]**
**Mayor**

Resolution approving the International Terminal Building Newsstands Lease between The Paradies Shops, Inc., and the City and County of San Francisco, acting by and through its Airport Commission.

*Supervisor Alioto-Pier noted present at 2:21p.m.*

**Resolution No.** 331-04

**ADOPTED by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Noes: 1 - McGoldrick
Excused: 1 - Hall

**040531** **[Local Vehicle License Fee Restoration]**
**Mayor, Supervisors Peskin, Dufty, Ammiano**

Resolution urging the California State Legislature to pass legislation to allow local governments to obtain voter approval to restore the Vehicle License Fee.

*Supervisor Daly, seconded by Supervisor Peskin, moved to amend on page 3, line 10, after the word "vote" by inserting "at the November 2, 2004 General Election".*

**Supervisor Daly, seconded by Supervisor Peskin, moved that this Resolution be AMENDED. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

**Resolution No.** 307-04

**ADOPTED AS AMENDED by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Gonzalez
Excused: 1 - Hall

**040569** **[Outreach Advertising]**

Resolution designating El Latino and El Reportero to be the outreach newspapers of the City and County of San Francisco for the Hispanic community; Asian Week, Chinese Times, China Press, Sing Tao Daily, and World Journal to be the outreach newspapers of the City and County of San Francisco for the Chinese community; the San Francisco Bay View to be the outreach newspaper of the City and County of San Francisco for the African American community; and the Bay Area Reporter to be the outreach newspaper of the City and County of San Francisco for the Gay, Lesbian, Bisexual and Transgender community, to provide outreach advertising services for the fiscal year commencing July 1, 2004 and ending June 30, 2005. (Purchaser)

**Resolution No.** 335-04

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

**040570** **[Contracting Out Janitorial Services, Department of Parking and Traffic, FY 03-04]**

Resolution concurring with the Controller's certification that janitorial services can be practically performed by private contractor for lower cost than similar services performed by City and County employees for Fiscal Year 2003-2004. (Parking and Traffic Department)

**Resolution No.** 336-04

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

**040575** **[IHSS Contract Approval - IHSS Consortium of San Francisco]**

Resolution approving exercise of the option to renew the contract between the City and County of San Francisco, through the Department of Human Services, and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from July 1, 2004 to June 30, 2005, in the amount of $16,085,136. (Human Services Department)

(Fiscal impact.)

**Resolution No.** 337-04

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

## Recommendations of the Land Use Committee

**040442** **[Designating 1305 18th Avenue, the Carnegie Sunset Library, as a Landmark Under Planning Code Article 10]**

**Supervisors Peskin, McGoldrick, Maxwell, Ma, Gonzalez**

Ordinance designating 1305 18th Avenue, the Carnegie Sunset Branch Library as Landmark No. 239 Pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

*Supervisors Ma and Gonzalez requested to be added as co-sponsors.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

**040450** **[Designating 3150 Sacramento Street, the Carnegie Presidio Library, as a Landmark Under Planning Code Article 10]**

**Supervisors Peskin, McGoldrick, Maxwell, Gonzalez, Alioto-Pier**

Ordinance designating 3150 Sacramento Street, the Carnegie Presidio Branch Library as Landmark No. 240 Pursuant to Article 10, Sections 1004 And 1004.4 of the Planning Code. (Planning Department)

*Supervisor Gonzalez requested to be added as a co-sponsor.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

## Recommendations of the Rules Committee

**040532** **[Establishing a Police Department Citizens Advisory Committee]**
**Supervisor Maxwell**

Ordinance amending Article IV, Chapter 2A of the San Francisco Administrative Code by adding Section 2A.87, to establish the Police Department Citizens Advisory Committee as an advisory committee to the Board of Supervisors.

**Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Ordinance be RE-REFERRED. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

**040541** **[Commendation - Kamala Harris]**
**Supervisors Daly, Gonzalez, Ammiano, Maxwell, McGoldrick**

Resolution commending the San Francisco District Attorney Kamala Harris for not pursuing the death penalty, and reaffirming the City's support for our District Attorney.

*Supervisor McGoldrick requested to be added as a co-sponsor.*

**Resolution No.** 346-04

**ADOPTED by the following vote:**

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin
Noes: 2 - Ma, Sandoval
Excused: 1 - Hall

*Supervisor McGoldrick, seconded by Supervisor Peskin, moved to suspend the Rules of Order. Motion to Suspend the Rules of Order carried without objection.*

# SPECIAL ORDER 3:30 P.M - Recognition of Commendations

## Privilege of the Floor

**Supervisor McGoldrick, seconded by Supervisor Dufty, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

*Supervisor McGoldrick welcomed, introduced and presented a Certificate of the Honor to Michael B. and Millianne Lehmann in recognition of their retirement from the University of San Francisco.*

*Recess*

*The Board recessed at the hour of 3:58 p.m.*

*Reconvening of the Board*

*The Board at the hour of 4:07 p.m. reconvened.*

*Calling the Roll*

*On call of the roll, the following Supervisors were noted present:*
*Supervisors Alioto-Pier, Ammiano, Dufty, Gonzalez, Ma, Peskin - 6*

*Quorum present.*

*Supervisors McGoldrick and Daly were noted present at 4:10 p.m.*
*Supervisor Sandoval were noted present at 4:14 p.m.*
*Supervisor Maxwell was noted present at 4:20 p.m.*

# SPECIAL ORDER 4:00 P.M.

**040566** **[Public Hearing - Minor Sidewalk Encroachment Appeal - 32 Rivoli Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works by its letter dated April 14, 2004, approving Minor Sidewalk Encroachment Permit No. 04MSE-042 to legalize the construction of a new warped driveway and planter box extending 19-inches into the public right-of-way to provide for a new garage at 32 Rivoli Street. (Appellant: Carol Opotow.)

(Filed 4/26/04; companion measure to Files 040566, 040567; 040568; District 5.)

*Carol Opotow, Appellant*
*John Kwong, Department of Public Works*
*Shelly Pope, Project sponsor*
*John McCall; support of project sponsor*

*Rebuttal*
*Carol Opotow, Appellant*

*The President declared the Public Hearing Closed.*
**HEARD AT PUBLIC HEARING.**

**(Only one of the following two motions should be adopted.)**

*Supervisor McGoldrick noted absent at 4:40 p.m.*

**040567** **[Minor Sidewalk Encroachment Appeal - 32 Rivoli Street]**

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 32 Rivoli Street and denying the appeal. (Clerk of the Board)

**Motion No.** M04-60

**Supervisor Ma, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Hall

**040568** **[Minor Sidewalk Encroachment Appeal - 32 Rivoli Street]**

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 32 Rivoli Street and denying the Encroachment Permit (Clerk of the Board)

**TABLED by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Hall

# SPECIAL ORDER 4:30 P.M.

**040524** **[Public Hearing - Appeal, Final Amended Mitigated Negative Declaration for 833-881 Jamestown Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated March 25, 2004, approving a final amended mitigated negative declaration for the proposed condominium project located at 833-881 Jamestown Avenue, on Assessor's Block 4991, Lot 277. (Appellant: Ralph D. House, President, Bayview Hill Neighborhood Association.)

(Filed April 26, 2004; companion measure to Files 040525, 040526, 040527; District 10.)

*Ralph House; Bayview Hill Neighborhood Association, appellant*

*Appellant withdrew the Negative Declaration Appeal and informed the Board that agreements had been reached with the project sponsor.*

*Paul Maltzer, Department of Planning.*
*Attorney for project sponsor submitted in writing the agreements made with the appellant and were read into the record.*

*Shirley Moore, President of Bayview Hill Neighborhood Association; support of appeal with agreements*
*Salute Cole; support of appeal with agreements*
*Timothy Alan Simon, Candlestick Point; support of appeal with agreements*
*Joe Donoghue, Residential Builders; support of appeal with agreements*
*Espanola Jackson; support of appeal with agreements*
*Myron Larkin; support of appeal with agreements*
*Cedric Jackson; support of appeal with agreements*
*Pastor Willis Walker; support of appeal with agreements*
*Resident of Jamestown; support of appeal with agreements, request of parking issues*
*Matt Murphy; support of appeal with agreements*
*Charles Cleary; support of appeal with agreements*

*Larry Badiner, Acting Director of Planning Department, reviewed the amendments to the Conditional Use Application.*

*Attorney for the project sponsor accepted amendments as proposed.*

*President declared the public hearing closed.*
**HEARD AT PUBLIC HEARING.**

## (Only one of the following two motions should be adopted.)

*Supervisor McGoldrick noted present at 5:28 p.m.*

**040525** **[Affirming adoption of the negative declaration for 833-881 Jamestown Avenue]**

Motion affirming Planning Commission adoption of the final negative declaration for 833-881 Jamestown Avenue. (Clerk of the Board)

**Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

**040526** **[Reversing adoption of the negative declaration for 833-881 Jamestown Avenue]**

Motion reversing the Planning Commission adoption of the final negative declaration for 833-881 Jamestown Avenue. (Clerk of the Board)

**TABLED by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

**040527** **[Preparation of findings to reverse adoption of the negative declaration for 833-881 Jamestown Avenue]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for 833-881 Jamestown Avenue. (Clerk of the Board)

**TABLED by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Hall

## SPECIAL ORDER 4:30 P.M.

**040485** **[Public Hearing - Appeal, Conditional Use - 833-881 Jamestown Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16755 dated March 25, 2004 authorizing a conditional use authorization, Case No. 1999.0233C, under Planning Code Sections 209.1(g) and 304 for a Planned Unit Development with up to 198 dwelling units and 216 off-street parking spaces within an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District, on property located at 833-881 Jamestown Avenue, west of Candlestick Park at the northern base of Bayview Hill; Lot 277 in the Assessor's Block 4991. (Appellant: Ralph D. House, President, Bayview Hill Neighborhood Association.)

(Filed April 26, 2004; companion measure to Files 040486, 040487, 040488; District 10.)

*Ralph House; Bayview Hill Neighborhood Association, appellant*

*Appellant withdraw the Negative Declaration Appeal and informed the Board that agreements had been reached with the project sponsor.*

*Paul Maltzer, Department of Planning.*
*Attorney for project sponsor submitted in writing the agreements made with the appellant and were read into the record.*

*Shirley Moore, President of Bayview Hill Neighborhood Association; support of appeal with agreements*
*Salute Cole; support of appeal with agreements*
*Timothy Alan Simon, Candlestick Point; support of appeal with agreements*
*Joe Donoghue, Residential Builders; support of appeal with agreements*
*Espanola Jackson; support of appeal with agreements*
*Myron Larkin; support of appeal with agreements*
*Cedric Jackson; support of appeal with agreements*
*Pastor Willis Walker; support of appeal with agreements*
*Resident of Jamestown; support of appeal with agreements, request of parking issues*
*Matt Murphy; support of appeal with agreements*
*Charles Cleary; support of appeal with agreements*

*Larry Badiner, Acting Director of Planning Department, reviewed the amendments to the Conditioinal Use Application.*

*Attorney for the project sponsor accepted amendments as proposed.*

*President declared the public hearing closed.*
**HEARD AT PUBLIC HEARING.**

## (Only one of the following two motions should be adopted.)

**040486** **[Appeal, Conditional Use - 833-881 Jamestown Avenue]**

Motion approving decision of the Planning Commission by its Motion No. 16755, approving Conditional Use Application No. 1999.0233C on property located at 833-881 Jamestown Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

**040487** **[Appeal, Conditional Use 833-881 Jamestown Avenue]**

Motion disapproving decision of the Planning Commission by its Motion No. 16755, approving Conditional Use Application No. 1999.0233C on property located at 833-881 Jamestown Avenue. (Clerk of the Board)

*Planning Department provided proposed amendments to the Conditional Use Application.*

**Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

**Motion No.** M04-66

**APPROVED AS AMENDED by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

**040488** **[Findings - 833-881 Jamestown Avenue]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 1999.0233C on property located at 833-881 Jamestown Avenue, for action by the Board at its next meeting. (Clerk of the Board)

**Motion No.** M04-59

**Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

# COMMITTEE REPORTS

# ROLL CALL FOR INTRODUCTIONS

# PUBLIC COMMENT

*Abdullah Megaheed; general issues*
*Richard Robertson; violence issues*
*Jack Dodson; regarding Police Citizens Advisory Board, referred to Committee*
*Latino Police Officers Association; regarding Police Citizens Advisory Board, referred to Committee*
*Dan Duncan; security issues to remove metal detectors be removed*
*Katie Chamberlain; support of Item 48, Foster Youth*
*Male speaker; general issues*
*Ismeal Baires, Youth Commissioner*
*Marguerite Williams; youth violence issues*
*Male speaker; gratitude for the In Memoriam for his wife, prescription drugs issues*
*Mark Solomon, North Mission, SFPD issues*
*Carl Beale; North Beach neighbors opposed to North Beach playground*

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**040668** **[Commodity Supplemental Food Program]**
**Supervisors Dufty, Alioto-Pier, Ammiano, Daly, Ma, Maxwell, Peskin**

Resolution urging the Mayor, the California Department of Education and the United States Department of Agriculture to allocate funding to allow the Commodity Supplemental Food Program to remain in San Francisco.

*Supervisor Peskin requested to be added as a co-sponsor.*

**Resolution No.** 341-04
**ADOPTED**

**040669** **[Supporting AB 2857]**
**Supervisor Ma**

Resolution supporting California Assembly Bill 2857 (AB 2857), which would amend California Revenue and Taxation Code Section 1604 in view of a recent Court of Appeal decision by providing that where a county board of equalization ("CBOE;" in some counties, a/k/a the assessment appeals board or "AAB") does not timely decide taxpayer's application for a one-year reduction of assessed value of real property (based on a decline in value, usually attributed to market downturn) or personal property on the local property tax rolls, the taxpayer's opinion of value will be entered on the roll as the basis for calculating property taxes only for the one tax year covered by the application and not for multiple subsequent tax years.

**Resolution No.** 309-04
**ADOPTED**

**040670** **[Contract Approval - SFGH Services Building seismic upgrade and repair sole source consulting engineer services agreement exceeding ten years]**
**Supervisor Ammiano**

Resolution approving the award of a contract by the City and County of San Francisco, through its Department of Public Works, to Forrell-Elsesser Engineers, Inc. for consulting engineer services for the San Francisco General Hospital Services Building Seismic Upgrade.

**Resolution No.** 342-04
**ADOPTED**

**040671** **[Condemning the federal raid in the immigrant community]**
**Supervisors Ammiano, Dufty, Daly**

Resolution urging the Federal Bureau of Investigations and the Immigrations and Customs Enforcement to send a well-publicized message to the immigrant community in San Francisco that INS raids will not be pursued in immigrant communities.

*Supervisors Dufty and Daly requested to be added as co-sponsors.*

**Resolution No.** 343-04
**ADOPTED**

040672 **[Urging the relocation of Peter Voulkos' bronze sculpture currently sited at the Hall of Justice]**
**Supervisor Gonzalez**

Resolution urging the relocation of Peter Voulkos' sculpture currently sited at the Hall of Justice due to its inaccessibility, poor siting, lack of public viewing and neglect as a major work of art in San Francisco.

**Resolution No.** 344-04
**ADOPTED**

040673 **[Recognizing May 2004 as Foster Care Month]**
**Supervisors Maxwell, Dufty**

Resolution recognizing May 2004 as Foster Care Month.

**Resolution No.** 345-04
**ADOPTED**

040674 **[Commending Ralph D. House]**
**Supervisor Maxwell**

Resolution commending Ralph D. House for his dedication and exemplary service to the community.

**Resolution No.** 347-04
**ADOPTED**

040640 **[Needle Exchange Emergency]**
**Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

**Motion No.** M04-61
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Hall

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**040365** **[Planning Code amendment to delete the requirement that changes in use to a retail coffee store or pharmaceutical and personal toiletries use are subject to the notification and review procedures of Section 312]**
**Supervisors Gonzalez, Peskin, Maxwell, Dufty, Sandoval**

Ordinance amending Planning Code Section 312 to delete the requirement that changes of use per the use categories of Article 7, and changes in use to a retail coffee stores, as defined in Planning Code Section 790.102(n), or to a pharmaceutical and personal toiletries uses, as defined in Planning Code Section 790.102(c), or the addition of a prescription drug service where none previously existed within 3 years of an application for an addition, be subject to the notification and review procedures of Section 312; to add the requirement that changes of use to a formula retail use be subject to the notification and review procedures of Section 312; to add the requirement that building permit applications for a change of use to a bar, liquor store, walkup facility, full-service restaurant, large fast food restaurant, small self-service restaurant, massage establishment, outdoor activity, or adult or other entertainment use, receive review for compliance with Neighborhood Commercial Design Guidelines and have a notice posted on-site for a 15 calendar day period during which the permit will be held pending any request for discretionary review before the Planning Commission; to add the requirement that the Planning Department make available and update every six months its list of neighborhood organizations with interests in specific properties or areas; and to make findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
3/23/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 4/22/2004.
3/30/04, REFERRED TO DEPARTMENT. Referred to Planning for review.
5/11/04, RESPONSE RECEIVED. Certificate of Determination of Exemption/Exclusion from Environmental Review, dated May 11, 2004.
5/25/04, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.
5/25/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 6/24/2004.

**040682** **[Hotel Tax Allocation for International Arts Festival in San Francisco]**
**Supervisors Ammiano, Daly**

Ordinance amending Section 515.01 of Article 7 of the Business and Tax Regulations Code ("Hotel Tax") to add an international arts festival in San Francisco to the current allocation of Hotel Tax revenues to the Arts Commission for cultural equity initiatives, commissions to individual creative artists in all disciplines, project grants to small and midsize arts organizations, and art space initiatives or facilities acquisition programs.
5/25/04, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 6/24/2004.

**040683** **[State contract funds for substance abuse treatment]**
**Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (SFDPH,CBHS) to enter retroactively into a Combined Negotiated Net Amount and Drug Medi-Cal Agreement with the State of California Department of Alcohol and Drug Programs (DADP) for the term of July 1, 2004, through June 30, 2008 in the amount of $57,686,688 and for the term of July 1, 2004 through June 30, 2005 in the amount of $19,228,896 as a condition of receiving state funds and Drug Medi-Cal reimbursement for substance abuse treatment and prevention; holding DADP harmless from any and all claims resulting from the agreement; authorizing and designating the Director of SFDPH,CBHS to sign said Agreement and to approve amendments for less than ten percent (10%) of the contracted amount.
5/25/04, RECEIVED AND ASSIGNED to City Services Committee. 6/3/04: Department of Public Health notified of City Services Committee meeting on this item on June 10, 2004.

**040685** **[Establishing and administering a Supplemental Tax Deferred Plan]**
**Supervisor Sandoval**

Ordinance adding Sections 16.62 through 16.62-3 to the San Francisco Administrative Code.
5/25/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/24/2004.

**040687** **[Deadlines for correction and review of ballot arguments]**
**Supervisor Peskin**

Ordinance amending sections 535 and 590 of the Municipal Elections Code to: change the deadline for correction of errors in rebuttal ballot arguments from noon on the seventy-sixth day before the election to noon on the seventy-fifth day before the election, to be consistent with the deadline for correction of errors in paid ballot arguments; and change the public inspection periods for ballot arguments so that the periods for public review of proponent, opponent, rebuttal and paid arguments, and related materials, all end on the same date, sixty-four days before the election.
5/25/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/24/2004.

## Resolutions

**040680** **[Lease of Property - Empress Hotel]**
**Supervisor Daly**

Resolution authorizing and approving the lease by and between the City and County of San Francisco, for the Department of Public Health, as Tenant, and Empress, LLC, as Landlord, for the Empress Hotel located at 144 Eddy Street, San Francisco, CA 94102.

(Fiscal impact.)
5/25/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040684** **[Public Information Pilot Project]**
**Supervisors Gonzalez, Dufty**

Resolution urging City Departments to share departmental database data for an informational pilot project with the San Francisco Survival Manual publication for the benefit of both community organizations and the larger city-wide community.
5/25/04, RECEIVED AND ASSIGNED to City Services Committee.

**040686** **[Transit Advertising Contract with Viacom Outdoor Inc.]**
**Mayor**

Resolution authorizing the Municipal Transportation Agency to execute a transit advertising contract with Viacom Outdoor Inc., for a term commencing July 1, 2004 and ending June 30, 2009, which offers a minimum total aggregate of revenue and services of $16,425,000 during the five-year term of the contract.
5/25/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040691** **[Commending Public Utilities Commission General Manager Patricia E. Martel]**
**Supervisor Dufty**

Resolution commending Public Utilities Commission General Manager Ms. Patricia E. Martel.
5/25/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040692** **[Commending City Librarian Susan Hildreth]**
**Supervisors Dufty, Alioto-Pier, Peskin**

Resolution commending City Librarian Susan Hildreth upon her departure from San Francisco to be the Director of the Tucson-Pima Public Library in Tucson, Arizona.
5/25/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040693** **[Gift-in-Place to the Recreation and Park Department]**
**Supervisor Ma**

Resolution accepting and expending a gift-in-place, valued at up to $12,000,000, from the Stern Grove Festival Association to the Recreation and Park Department to fund construction for the renovation of Concert Meadow facilities in Sigmund Stern Grove and Pine Lake Park.
5/25/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040694** **[Commending Reclaim the Commons Mobilization]**
**Supervisor Ammiano**

Resolution commending Reclaim the Commons Mobilization for their concern for the health, safety, and well-being of the public and the environment, upholding San Francisco resolution no. 012-00-COE and the Precautionary Principle ordinance of 2003.
5/25/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040695** **[Opposing State Budget cuts to Child Care, Temporary Assistance to Needy Families, and In Home Support Services]**
**Supervisor Daly**

Resolution urging the State Legislature to oppose Governor Schwarzenegger's proposed budget cuts to Child Care, Temporary Assistance to Needy Families (TANF), and In Home Support Services (IHSS), urging the San Francisco's state legislative delegation to lead the way in finding additional resources, and urging Mayor Gavin Newsom to mitigate impending cuts.
5/25/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Hearings

**040681** **[Hearing - Health Service Reductions]**
**Supervisor Sandoval**

Hearing to consider the Department of Public Health's budget eliminating or reducing medical services. (Bielenson Hearing) (See Public Notice posted outside the Clerk of the Board's Office, Room 244, City Hall)
5/25/04, ASSIGNED to Board of Supervisors. Pursuant to File 040679, Board to sit as a Committee of the Whole on June 15, 2004 at 3:00 p.m.

**040689** **[Patient placement at Laguna Honda Hospital]**
**Supervisor McGoldrick**

Hearing to consider the issue of patient placement at Laguna Honda Hospital and whether patients with incompatible diagnoses are being housed in the same facilities.
5/25/04, RECEIVED AND ASSIGNED to City Services Committee.

**040690** **[San Francisco Redevelopment Agency's Minority Business Program]**
**Supervisor Ma**

Hearing to review the current economic thresholds within the San Francisco Redevelopment Agency's Minority Business Program to ensure that all certified Minority/Women/Local Businesses in the City and County of San Francisco have equal qualifying economic thresholds under the San Francisco Human Rights Commission standards.
5/25/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

## Motions

**040678** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
5/25/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040679** **[Committee of the Whole - Health service reductions (Bielenson Hearing)]**
**Supervisor Sandoval**

Motion scheduling a Committee of the Whole to consider health service reductions (Bielenson Hearing), to be held on June 15, 2004 at 3:00 p.m.
5/25/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040688** **[Open Government Ordinance to provide for more public accessiblity to meetings and documents, more public participation and to safeguard the maintenance of records]**
**Supervisor Daly**

Motion ordering submitted to the voters an ordinance authorizing the OPEN GOVERNMENT ORDINANCE at an election to be held on November 2, 2004.
5/25/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/24/2004.

**Introduced by the President at the Request of Departments**

## PROPOSED ORDINANCES

**040632** **[Settlement of Lawsuit - Michael Stamper]**

Ordinance authorizing settlement of the lawsuit filed by Michael Stamper against the City and County of San Francisco for $157,500.00; the lawsuit was filed on October 31, 2003 in San Francisco Superior Court, Case No. 425-974, entitled Michael Lavon Stamper v. City and County of San Francisco, et al. (City Attorney)

5/17/04, RECEIVED AND ASSIGNED to Rules Committee.

**040633** **[General Plan Amendment in connection with 55 Ninth Street]**

Ordinance amending the San Francisco General Plan in connection with approvals for the proposed State Compensation Workers Fund office building at 55 Ninth Street; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendments is consistent with the eight Priority Policies of Planning Code Section 101.1. (Planning Department)

(Companion measure to File No. 040661.)

5/18/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 6/24/2004.

**040634** **[Settlement of Lawsuit]**

Ordinance ratifying the April 15, 2002 settlement of the lawsuit filed by City and County of San Francisco against Glometro Inc. and Nancy Ho Belli; the April 15, 2002 settlement agreement set forth various terms and required defendants to pay the amount of $140,000; the lawsuit was filed on April 5, 2001 in San Francisco Superior Court, Case No. 320-263; entitled City and County of San Francisco et al. v. Glometro Inc., Nancy Ho Belli, et al. (City Attorney)

5/17/04, RECEIVED AND ASSIGNED to Rules Committee.

**040661** **[Zoning Map amendment reclassifying the height and bulk limits of Assessor's Block 3701, Lot 063]**

Ordinance amending Zoning Map Sheet 7H of the City and County of San Francisco to reclassify the height and bulk limits of the property at 55 Ninth Street, Lot 063 in Assessor's Block 3701, from 120-X to 200-S, adopting findings pursuant to the California Environmental Quality Act, and making findings of consistency with the priority policies of Planning code Section 101.1 and the General Plan. (Planning Department)

(Companion measure to File No. 040633.)

5/18/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 6/24/2004.

## PROPOSED RESOLUTIONS

**040635** **[Increase patient access to care by removing physical, linguistic and other barriers to care] Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a grant in the amount of $426,085 from the San Francisco Health Plan Access Enhancement Fund (SFHPAEF) to increase patient access to health care services and to enter into an agreement, which includes an indemnification clause, for the use of these funds; for the period of January 1, 2004, to June 30, 2006. (Public Health Department)

5/11/04, RECEIVED AND ASSIGNED to City Services Committee. 5/26/04: Department of Public Health notified of May 27, 2004 meeting.

*Supervisor Dufty requested to be added as sponsor.*

**040636** **[Amendment to Lease of Real Property]**

Resolution authorizing the amendment to lease of real property located at 598 Portola, San Francisco, California with Twin Peaks Petroleum, Inc., a California corporation doing business as Twin Peaks Auto Care (Tenant) successor in interest to Michael Gharib. (Real Estate Department)

5/17/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040637** **[Grant of Regional Funds]**

Resolution authorizing the Municipal Transportation Agency to accept and expend $534,401 of Carl Moyer grant funds for the Municipal Railway Bus Catalyst Device Procurement, excluding administrative overhead costs. (Municipal Transportation Agency)

5/14/04, RECEIVED AND ASSIGNED to Land Use Committee.

**040638** **[Emergency Interim Agreement for Towing, Storage and Disposal of Abandoned and Illegally Parked Vehicles]**

Resolution approving the Emergency Interim Service Agreement and Property Use License for Towing, Storage and Disposal of Abandoned and Illegally Parked Vehicles by and between the City and County of San Francisco and TEGSCO, LLC, d.b.a. San Francisco AutoReturn, and a Transition Agreement between the City, San Francisco AutoReturn, and City Tow. (Parking and Traffic Department)

5/14/04, RECEIVED AND ASSIGNED to Land Use Committee.

## Requests Granted

*From: Supervisor McGoldrick*
*To: City Attorney*
*Requesting/Inquiring: To draft an amendment to the Administrative Code to clarify that if a member of the San Francisco Fire Department or Police Department develops or manifests cancer during the course of employment with the department, and if that member demonstrates exposure to a known carcinogen while working in that department, then there is a legal presumption that the cancer was job-related.*

*From: Supervisor Maxwell*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation based upon the Deemed Approved Ordinance model of Oakland, California.*

## In Memoriams

*Tom Ridolfi (Supervisor Dufty)*
*Bette Jane Winslow (Supervisor Dufty)*
*Kelly Gallagher (Supervisors Hall, Gonzalez)*
*Janet Marie Cook (Supervisor Maxwell)*
*Annie Powell (Supervisor Maxwell)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 5:40 p.m. adjourned.*

*Gloria L. Young, Clerk of the Board*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on July 13, 2004.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

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